

CAMBRIDGE TOWNSHIP

**ZONING ORDINANCE
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ARTICLE I

ENACTING CLAUSE, TITLE, PURPOSES

SECTION 1.1 -- ENACTING CLAUSE

~~An Ordinance adopted under authority of, and in accordance with the provisions of the Township Rural Zoning Act No. 184 of the 1943 Public Acts of Michigan, as amended, to establish comprehensive zoning regulations for Cambridge Township, Lenawee County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all Ordinances in conflict herewith.~~

This Ordinance is enacted pursuant to P.A.184 of 1943, as amended (being the Township Zoning Act, MCL 125.271 et seq.). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.), hereinafter referred to as the "Zoning Act."

SECTION 1.2 --TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Cambridge Township". The Zoning Map referred to herein is entitled "Zoning Map, Cambridge Township".

SECTION 1.3 -- PURPOSES

This Ordinance has been established for the purpose of:

- ~~A.~~ **1.3.1** Promoting and protecting the public health, safety, and general welfare;
- ~~B.~~ **1.3.2** Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- ~~C.~~ **1.3.3** Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- ~~D.~~ **1.3.4** Lessening and avoiding congestion on public highways and streets;
- ~~E.~~ **1.3.5** Providing for the needs of agriculture, recreation, residence, commerce and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable

consideration of other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the Cambridge Township Board and Planning Commission.

- ~~F.~~ **1.3.6** Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning district;
- ~~G.~~ **1.3.7** Conserving the taxable value of land and structures;
- ~~H.~~ **1.3.8** Conserving the expenditure of funds for public improvements and services;
- ~~I.~~ **1.3.9** 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 people; and
- ~~J.~~ **1.3.10** Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE II

GENERAL PROVISIONS

SECTION 2.1 -- SCOPE

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

To avoid ~~undue hardship~~ *practical difficulty*, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

SECTION 2.2 -- DEFINITIONS

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word "shall" is always mandatory and not merely (suggestive). The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.

2.2.1 Accessory Structure, Building, or Use:

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

2.2.2 Alley:

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

2.2.3 Alter:

Any structure change in the supporting or load-bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

2.2.4 Apartment:

A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single-family, individual, or group of individuals.

2.2.5 Automobile Service Station:

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

2.2.6 Automobile Wrecking:

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

2.2.7 Basement:

A story of a building having more than one-half (1/2) its height below grade.

2.2.8 Boarding House or Rooming House:

A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

2.2.9 Building:

An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

2.2.10 Building Height:

The vertical distance measured from grade to the highest point of the roof.

2.2.11 Building Setback Line:

A line parallel to, or concentric with, the front property line delineating the minimum allowable distance between the front lot line and the front of any building.

2.2.12 Central Sanitary Sewerage System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

2.2.13 Central Water System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

2.2.14 District:

A portion of Cambridge Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

2.2.15 Drive-In Establishment:

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

2.2.16 Dwelling Unit:

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home, automobile chassis, tent or other portable building be considered a dwelling in single family, two (2) family, or multiple family residential areas. In cases of mixed occupancy where a building is occupied part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof related to dwellings. In addition, a dwelling unit shall meet the following requirements:

- a. A minimum exterior width of twenty (20) feet exclusive of areas not a part of the main living area (porches, architectural features, etc.)
- b. Firmly attached to a foundation constructed in accordance with the ~~BOCA and/or HUD Building Code~~ **Michigan Residential Building Code and/or other applicable state or federal rules and regulations.**
- c. No exposed wheels, towing mechanisms, undercarriage or chassis, no storage in crawl space or skirted area.
- d. Shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said shall be connected thereto;
- e. Shall contain storage areas in the basement, attic, closets, or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles, and exclusive of the crawl space of a dwelling not possessing a basement. Such storage shall be equal to ten (10%) percent of the interior living space.
- f. Shall be aesthetically compatible in design and appearance to conventionally on-site constructed homes by having:
 1. A roof pitch of three (3) inches to one (1) foot.
 2. A roof overhang of not less than six (6) inches along all sides of the dwelling.

- 3. Not less than two (2) exterior doors with one (1) being in either the rear or side of the unit.
- 4. A roof drainage system to avoid drainage along the sides of the dwelling.
- g. All additions shall be constructed with permanent foundation and compatible materials in similar quality of workmanship as the original structure.
- h. Compliance with pertinent building and fire codes and conformance with all applicable Township Building, Plumbing, Electrical and Energy codes.
- i. “Dwelling” shall include earth sheltered homes constructed in conformance with the BOCA Building Code.
- j. Covered window sills with drip seals.
- k. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by Cambridge Township, State or Federal laws and regulations.

2.2.17 Dwelling -- Single-Family:

A detached building other than a mobile home, designed for or occupied by one (1) family only.

2.2.18 Dwelling -- Two-Family:

A detached building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

2.2.19 Dwelling -- Multiple-Family:

A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each.

2.2.20 Essential Services:

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam or water

transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, towers, or maintenance depots.

2.2.21 Family:

One (1) or more persons living together in one (1) dwelling unit and interrelated by bonds of marriage, blood or legal adoption (additionally may include up to a total of three (3) persons not so related who are either domestic servants or gratuitous guests), comprising a single housekeeping unit (sharing one (1) kitchen facility for normal meal preparation – sink, oven, refrigerator); as distinguished from a group occupying a hotel, motel, boarding house, club, fraternity or sorority house, or tourist home. Every additional person or group of two (2) or more persons not related or included in the family as herein defined, shall be considered a separate family for the purpose of this Ordinance.

2.2.22 Feedlot:

Any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) head per acre for cattle and horses, ten (10) head per acre for smaller animals, or more than thirty (30) fowls per acre.

2.2.23 Home Occupation:

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

2.2.24 Junk Yard:

A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged

machinery, and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

2.2.25 Kennel:

Any lot or premises on which three (3) or more dogs, four (4) months old or more are confined either permanently or temporarily.

2.2.26 Lot:

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.

2.2.27 Lot Area:

The area within the lot lines, but excluding that portion in a road or street right-of-way.

2.2.28 Lot Corner:

A parcel of land at the junction of and fronting or abutting on two (2) or more intersecting streets.

2.2.29 Lot Depth:

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

2.2.30 Lot Coverage:

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

2.2.31 Lot Line, Front:

A line separating a lot from a street, road, or private easement of access. In the case of a corner lot, or double-frontage lot, a line separating a lot from the street, road, or private easement of access which is obviously the front by reason of the prevailing custom of other buildings on the block, or along the same street, road, or easement of access. In instances where lots abut bodies of water,

the front lot line shall be defined as the average high water line which separates the lot from the body of water.

2.2.32 Lot of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Lenawee County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

2.2.33 Lot Through (Double Frontage):

An interior lot having frontage on two (2) parallel or approximately parallel streets.

2.2.34 Mobile Home:

As used herein, the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

2.2.35 Mobile Home Park:

A tract of land prepared and approved according to the procedures in this Ordinance to accommodate mobile homes on rented or leased lots.

2.2.36 Mobile Home Subdivision:

A legally platted residential subdivision accommodating mobile homes.

2.2.37 Motel:

Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a mobile home park.

2.2.38 Off-Street Parking:

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

2.2.39 Parking Space, Area, Lot:

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

2.2.40 Quarry:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic minerals in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

2.2.41 Riding Academy:

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

2.2.42 Roadside Stand:

A structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, and its use shall not make a Commercial District, nor shall its use be deemed a commercial activity.

2.2.43 Sign:

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of

occupants of premises, or other identification of premises not having commercial connotations;

- b. Flags and insignias of any government, except when displayed in connection with commercial promotion;
- c. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

2.2.44 Sign Area:

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

2.2.45 Sign, On-Site:

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

2.2.46 Site Plan Review:

A review by the ~~Zoning Board~~ **Planning Commission** of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

2.2.47 Story:

That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

2.2.48 Street:

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

2.2.49 Structure:

Anything constructed, erected, or placed with a fixed location on the surface of the ground.

2.2.50 Travel Trailer:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger automobile and not exceeding two hundred (200) square feet in area.

2.2.51 Yard, Front:

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

2.2.51a. Yard, Front Lake:

A lot having frontage directly upon a lake, natural or manmade river, or other artificial impoundment of water in all districts. The portion adjacent to the water shall be designated the lake front yard of the lot, and shall be measured from the high water mark for the front yard setback.

2.2.52 Yard, Rear:

An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

2.2.53 Yard, Side:

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

2.2.54 Motor Home:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit capable of being operated under its own power.

2.2.55 Public Warehouse:

Any building available to the public, operated for gain and which is used for storage of goods, wares, merchandise, and/or personal property of any kind or nature whatsoever.

2.2.56 Fence:

A barrier designed and/or intended to prevent escape or intrusion or to mark a boundary.

2.2.57 Funnelling:

The use of an inland waterfront property, parcel, or lot as common open space to serve as waterfront access for a separate, multi-family development, or property containing more than one (1) parcel, lot or housing unit, which development or property is located away from the waterfront.

More particularly, funnelling is the use of a waterfront property, parcel or lot contiguous to a body of water by the owners, lessees, occupants, or licensees of any of the following types of property, if such property contains more than one (1) parcel or lot, or more than one (1) dwelling unit:

- a. Non-waterfront property under a separate legal description on the Lenawee County Tax Roll or property acquired under a separate deed on file with the Lenawee County Register of Deeds;
- b. Non-riparian property, if such property contains more than one (1) dwelling unit;
- c. Property separated from shoreline properties by a public road.
- d. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, or lease.

2.2.58 Power Craft:

Watercraft containing a mechanical power unit as its main source of power or as a secondary or auxiliary source of power.

2.2.59 Condominium Subdivision (Site Condominium):

A method of subdivision where land ownership of sites is regulated by the Condominium Act (Act 59, Public Acts of 1978, as amended) as opposed to the Subdivision Control Act 288, Public Acts of 1967, as amended. Condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Township Subdivision Control Ordinance.

2.2.60 Building Site:

That portion of a Site Condominium intended for separate ownership or exclusive use, as opposed to "general common elements", as described in the master deed of the condominium project.

2.2.61 Subdivision:

The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area; or five (5) or more parcels of land, each of which is ten (10) acres or less in area created by successive divisions within a period of ten (10) years.

2.2.62 Satellite Dish Antennas:

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrial and/or orbital based uses. This definition is meant to include but not limited to what are commonly referred to as satellite earth stations, TV, radio, and satellite microwave antennas.

2.2.63 Television, Radio, and Microwave Towers:

A structure intended to support a source of nonionizing electromagnetic radiation, and accessory equipment related to telecommunications. Antennas and supporting structures for telecommunications devices that only receive radio frequency

signals shall not be considered such, as television towers for the purposes of this Ordinance.

2.2.64 Communication Tower:

A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. This definition shall not include dishes, antennas, aerials or similar reception or transmission structures used for non-commercial purposes, serving a single residential or business premises and that does not exceed the height limitations for the appropriate zoning district as found in Section 4.5 (Area, Yard, Height and Bulk Requirements).

2.2.65 Marina:

A facility, whether located on a waterfront or otherwise, with docks or other accommodation for in-season mooring or storage of recreational watercraft that may include attendant incidental sale of products and services, including minor mechanical repair. In the event petroleum products are to be sold or dispensed, the site shall comply with all environmental and safety regulations mandated by Federal, State and/or Local law or regulations and such further conditions as may be imposed by the Township to promote the public health, safety and *general* welfare.

2.2.66 *Zoning Act or Act*

As used throughout this ordinance means P.A. 110of 2006 as amended, (being Michigan Zoning Enabling Act, M.C.L. 125.3101 et. seq.).

2.2.67 *State licensed residential facilities*

A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, as amended, 1979 PA 218, MCL 400.701 et. seq., or Child Care Organizations Act, as amended, 1973 PA 116, MCL 722.111 et. seq., and provide residential services for six (60 or fewer persons under 24 four supervision or care.

SECTION 2.3 -- UNDEFINED TERMS

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

SECTION 2.4 -- APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards, or requirements for the authorization of any Conditional Use Permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this Ordinance.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.1 -- ESTABLISHMENT OF ZONING DISTRICTS

Cambridge Township is hereby divided into the following zoning districts:

AG-1	Agricultural District
RNF-1	Rural Non-Farm Residential District
RL-1	Lake Residential District
RS-1	Suburban Residential District
RM-1	Multiple-Family Residential District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Highway Service Commercial District
C-4	Commercial-Recreation District
I-1	Light Industrial District

SECTION 3.2 -- OFFICIAL ZONING MAP

The zoning districts as provided in Section 3.1 of this Ordinance are bound and defined on a map entitled, "Official Zoning Map, Cambridge Township, Lenawee County, Michigan, dated **January 8, 2003**", which map with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

3.2.1 Identification of Official Zoning Map:

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Clerk. The official Zoning Map shall be located in the office of the Clerk and available for examination.

SECTION 3.3 -- INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams or rivers, the center lines of streets or alleys projected, center lines of railroad right-of-way lines, section lines, one-quarter (1/4) section lines, one-eighth (1/8) section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the **Zoning** Board of Appeals shall interpret the exact location of the district boundary.

SECTION 3.4 – INTERPRETATION OF UNSPECIFIED LAND USES

It is recognized that it is neither possible nor practical to list all of the potential land uses indicated and intended for the individual zoning districts. Therefore, any other use that is determined by the Township Board, after hearing and recommendation by the Township Planning Commission, to be of the same general character, compatibility and similarity as the indicated permitted or conditional use, may be permitted provided the use is not mentioned or permitted within another zoning district. However, notwithstanding, a use mentioned or permitted in another zoning district may be permitted under this section, after hearing, recommendation and approval, if it is of a less intense nature and otherwise compatible with the zoning district for which it is proposed.

ARTICLE IV

ZONING DISTRICTS REGULATIONS

The intent, permitted uses, conditional uses, height, area, density, and sign regulations of each district are set forth in this section.

SECTION 4.1 -- OPEN DISTRICTS

Open Districts are established to protect land best suited for open use from the encroachment of incompatible land uses, to preserve valuable agricultural land for agricultural uses, and to retain land suited for open space and recreation use for the future.

4.1.1 Agricultural District (AG-1):

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

a. Permitted Uses:

1. General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
3. Single-family detached dwellings.
4. Home occupations only in accordance with the regulations specified in Article V, Section 5.14.
5. Kennels.
6. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
7. On-site signs only in accordance with the regulations specified in Article V, Section 5.2.2.

8. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in Article V, Section 5.17.
9. Accessory uses or structures.
- 10. *State licensed residential facilities***

b. Conditional Uses:

1. Quarries.
2. Golf courses.
3. Group or organized camps, camping grounds, and general or specialized resorts.
4. Airports.
5. Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.
6. Convalescent homes, nursing homes, hospital, sanitariums, and orphanages.
7. Riding academies and stables.
8. Churches and other buildings for religious worship.
9. Cemeteries.
10. Golf driving ranges.
11. Travel trailer parks.
12. Feedlots.
13. Animal hospitals.
14. Sanitary landfills.
15. Retail sale of specialty, novelty and gift items, including sale of food and beverage, in connection

with the permitted sale of agricultural or horticultural products.

16. Ambulance Service.
17. Special Event Parking.
18. Communication Tower.
19. Open Recreational Vehicle Storage.

c. Area, Yard, Height, and Bulk Requirements:
See Section 4.5.

SECTION 4.2 -- RESIDENTIAL DISTRICTS

The Rural Non-Farm Residential District, Lake Residential District, Suburban Residential District, and Multiple-Family Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The Residential Districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each Residential District is further stated below.

4.2.1 Rural Non-Farm Residential District (RNF-1):

This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

a. Permitted Uses:

1. Single-family detached dwellings.
2. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.

4. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
5. Accessory uses or structures.
6. ***State licensed residential facilities***

b. Conditional Uses:

1. Planned-unit residential developments.
2. Golf courses, but not including golf driving ranges.
3. Country clubs; public swimming pools; recreation centers; and parks, playgrounds, and playfields.
4. Churches and other buildings for religious worship.
5. Public and private nursery, primary and secondary non-profit schools.
6. Essential services structures of a non-industrial character, but not including maintenance depots or warehouses.
7. Government- or community-owned buildings.

c. Area, Yard, Height, and Bulk Regulations:
See Section 4.5.

4.2.2 Lake Residential District (RL-1):

This district is designed to preserve and enhance areas which are suitable for lakefront residential development, principally single-family dwellings at moderate densities, with consideration to protecting the lake waters from potential pollutants.

a. Permitted Uses:

1. Single-family detached dwellings.
2. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.

3. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
4. Accessory uses or structures.
5. Home occupations in accordance with the regulations specified in Section 5.14.
6. *State licensed residential facilities*

b. Conditional Uses:

1. Planned-unit residential developments.
2. Parks and playfields.
3. Churches and other buildings for religious worship.
4. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.

c. Area, Yard, Height, and Bulk Regulations:
See Section 4.5.

4.2.3 Suburban Residential District (RS-1):

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

a. Permitted Uses:

1. Single-family detached dwellings.
2. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
4. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.

5. Accessory uses or structures.
6. *State licensed residential facilities*

b. Conditional Uses:

1. Planned unit residential developments.
2. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools.
5. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
6. Government- or community-owned buildings.
7. Golf courses, but not including golf driving ranges.

c. Area, Yard, Height, and Bulk Regulations:
See Section 4.5.

4.2.4 Multiple-Family Residential District (RM-1):

This district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses or amenities which support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Multiple-family dwellings.
2. Two-family dwellings.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.

4. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
5. Accessory uses or structures.
6. Rooming houses and boarding houses.
7. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Public swimming pools, recreation centers, parks, playgrounds, and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools, and colleges and universities.
5. Medical and dental clinics.
6. Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
7. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
8. Mobile home parks.
9. Mobile home subdivision in accordance with the requirements of single-family dwelling in Section 4.2.2, RS-1 District.
10. Offices.
11. Government- or community-owned buildings.
12. Funeral establishments.
13. Single-family dwellings.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

SECTION 4.3 -- COMMERCIAL DISTRICTS

The Local Commercial District, General Commercial District, and Highway Service Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The Commercial Districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use in each district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. The purpose of each Commercial District is further stated below.

4.3.1 Local Commercial District (C-1):

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

a. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
2. Business services including banks, loan offices, real estate offices, and insurance offices.
3. Offices of an executive, administrative, or professional nature.
4. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
5. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.4.

6. Essential services and structures of a non-industrial character.
 7. Accessory uses or structures.
- b. Conditional Uses:
1. Planned-commercial unit developments.
 2. Churches and other buildings for religious worship.
 3. Government- or community-owned buildings, but not including schools.
 4. Eating and drinking establishments, but not including drive-in types.
 5. Public Warehouses.
- c. Area, Yard, Height, and Bulk Regulations:
See Section 4.5.

4.3.2 General Commercial District (C-2):

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the entire area and to accommodate commercial establishments which cannot be practically provided in a neighborhood commercial area.

- a. Permitted Uses:
1. Any use permitted in the Local Commercial District.
 2. Business schools, including dance schools, music schools, and art schools.
 3. Indoor retail sales establishments.
 4. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.

5. Eating and drinking establishments, but not including drive-in types.
 6. Clubs and lodges.
 7. Funeral homes.
 8. Printing establishments.
 9. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.5.
 10. Accessory uses or structures.
 11. Essential services and structures of a non-industrial character.
- b. Conditional Uses:
1. Automobile service stations.
 2. Hotels or motels.
 3. Small animal clinics.
 4. Drive-in business services.
 5. Churches and other buildings for religious worship.
 6. Government- or community-owned buildings, but not including schools.
 7. Public Warehouses.
 8. Communication Tower.
 9. Open Recreational Vehicle Storage.
 10. Marina.
- c. Area, Yard, Height, and Bulk Regulations:
See Section 4.5.

4.3.3 Highway Service Commercial District (C-3):

This district is intended to provide for various commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. These districts should be provided at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

a. Permitted Uses:

1. Automobile service stations.
2. Sales, rental, and service of motor vehicles, trailers, and boats.
3. Drive-in retail and service establishments, except drive-in theaters.
4. On-site and off-site signs, only in accordance with the regulations as specified in Article V, Sections 5.2.5 and 5.2.6.
5. Motels and hotels.
6. Eating and drinking establishments.
7. Essential services and structures of a non-industrial character.
8. Accessory uses or structures.
9. Indoor and outdoor commercial amusements.
10. Any use permitted in the General Commercial District (C-2).

b. Conditional Uses:

1. Automobile repair garages.
2. Drive-in theaters.
3. Ambulance Service.
4. Communication Tower.

5. Open Recreational Vehicle Storage.
 6. Any conditional use provided in the General Commercial District (C-2).
- c. Area, Yard, Height, and Bulk Regulations:
See Section 4.5.

4.3.4 Commercial Recreation District (C-4):

The intent of this district is to provide suitable areas for tourist-oriented commercial uses which are recreational in nature. Generally, these types of businesses are seasonal and require relatively large parcels of land. Because they encourage large volumes of vehicular traffic when in operation, they should be located on or within quick access of highway facilities.

- a. Permitted Uses:
1. Golf courses.
 2. Golf driving ranges.
 3. Miniature golf courses.
 4. General or specialized resorts.
 5. Riding academies or stables.
 6. Observation towers.
 7. Ski resorts.
- b. Conditional Uses:
1. Commercially operated trails for use of dune buggies, snowmobiles, and similar types of vehicles.
 2. Amusement parks.
 3. Racetracks.
 4. Eating and drinking establishments.

5. Retail and/or wholesale sales of small goods and merchandise of a novelty, tourist or recreational nature such as souvenirs, hunting and fishing supplies, golf equipment, sportswear, etc., and light on-site assembly of same (eg., assembly of craft items, sewing of sportswear, etc.).
6. Marina.
7. Offices of an executive, administrative or professional nature.

- c. Area, Yard, Height, and Bulk Regulations:
See Section 4.5.

SECTION 4.4 -- INDUSTRIAL DISTRICTS

It is recognized by this Ordinance that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon Cambridge Township. In order that this value may be maintained and this use encouraged, this Ordinance has established zoning districts designed to regulate the location of industrial uses according to a well-considered plan which reflects the types of such uses and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of each Industrial District is further stated below.

4.4.1 Light Industrial District (I-1):

This district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

- a. Permitted Uses:

1. Wholesale merchandising or storage warehouses.
2. Vehicle repair garages, but not including auto junk yards.
3. Trucking terminals.
4. Farm machinery and equipment sales and repair.
5. Contractor's yard.
6. Lumber yard.
7. Industrial office buildings.
8. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
9. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
10. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
11. Research and testing laboratories.
12. Essential services and structures.
13. On-site and off-site signs only in accordance with the regulations as specified in Article V, Sections 5.2.5 and 5.2.6.

b. Conditional Uses:

1. Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally

associated with light industries of the type specifically permitted.

2. Communication Tower.
 3. Open Recreational Vehicle Storage.
- c. Area, Yard, Height, and Bulk Regulations:
See Section 4.5.

SECTION 4.5 -- DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS

4.5.1 Compliance with Regulations:

- a. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
- b. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- c. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

4.5.2 Yard Measurements:

- a. Lots that abut on more than one (1) street shall provide the required front yards along every street. The figure indicated by an asterisk (*) in Section 4.5 of this Ordinance represents the front yard setback that shall also be maintained for the side yard abutting a street or road. The side yard that does not abut the street or road shall be maintained with a minimum setback equal to the minimum

side yard setback for lots that are not located on a corner or that do not abut on more than one (1) street or road. Nothing herein shall be construed to allow location of any structure in violation of Section 5.11 of this Ordinance.

- b. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

4.5.3 Lot Width:

Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured in a contiguous straight line (unbroken by intervening lot lines) between side lot lines at their foremost points (where they intersect with the street line), except in the case of lots on the turning circle of cul-de-sacs, where the contiguous and unbroken line between the foremost points (at the street line) shall not be less than forty (40%) percent of the required lot width.

4.5.4 Height Exceptions:

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

- a. Height Limitations:

The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances: Parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and watertanks.

- b. Increased Height:

Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection can be demonstrated.

4.5.5 Accessory Structures:

- a. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.
- b. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except, however, such accessory structure may not be placed less than ten (10) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed sixteen (16) feet in height except in rural non-farm residential where a height requirement of twenty-five (25) feet shall apply.
- c. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- d. No accessory building shall be located in any front yard area as defined in Section 2.2.51 of this Ordinance.
- e. No detached accessory building shall be placed on any lot unless there is an existing principal structure located upon such lot which conforms to the requirements of this Zoning Ordinance and the Cambridge Township Building Code.

~~4.5.5.16~~ Satellite Dish Antennas:

- a. In any district in which single- or multiple-family residential dwellings are permitted, ground-mounted satellite dish antennas up to twelve (12) feet in diameter shall be permitted subject to the following criteria:
 - 1. All installations shall comply with all accessory use, yard, height, bulk, and setback requirements specified within the district.
 - 2. All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
 - 3. All installations shall employ, to the extent possible, materials and colors that blend with the surroundings.

4. All applications for building permits shall include certification by a registered engineer that the proposed installation complies with the standards included in the BOCA Building Code.
- b. In any district in which residential dwellings are permitted, roof-mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted subject to the following:
1. Demonstration by the applicant that compliance with Section ~~4.5.5.1(a)-(1)~~ **4.5.6.a.1** and ~~4.5.5.1(b)(2)~~ **4.5.6.b.2** of this Ordinance would result in the obstruction of the antenna's reception window; and that such obstruction involves factors beyond the control of the applicant.
 2. The height of the proposed installation shall not exceed the maximum height restriction imposed upon principal uses with the district.
 3. All applications shall include certification by a registered engineer that the proposed installation complies with standards listed in the BOCA Basic Building Code. In addition, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.
- c. In any Commercial or Industrial Zoning District, ground-mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted subject to the following criteria:
1. All principal use installations or accessory use installations that abut land zoned for residential purposes shall comply with setback requirements for principal structures. All accessory-use installations not abutting residentially zoned land shall comply with the district's accessory use setback provisions.
 2. All installations shall comply with a maximum height restrictions opposed upon principal uses.
 3. All installations exceeding twelve (12) feet in diameter shall be screened from any adjoining

agriculturally or residentially zoned land. Such screening shall be waived if the antenna is set back a distance of at least five (5) times its diameter from the agriculturally or residentially zoned parcel.

4. All applications for building permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in the BOCA Basic Building Code.
 5. All accessory-use installations shall be located within those yards specified for other accessory uses within the district.
- d. In any Commercial or Industrial Zoning District, roof-mounted satellite dish antennas up to twelve (12) feet in diameter shall be permitted subject to the following criteria:
1. Demonstration by the applicant that compliance with the applicable yard, setback, and height restrictions would result in the obstruction of the antenna's reception window, furthermore, such obstruction involves factors beyond the applicant's control.
 2. The height of the proposed installation shall not exceed the maximum height restriction imposed for principal uses within the district.
 3. All applications shall include certification by registered engineer that the proposed installation complies with those standards listed in the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distributions within the building support structure shall be furnished.

4.5.6

4.5.7 Distance Between Grouped Buildings:

In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling:

- a. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- b. Where buildings are side to side, one (1) times the height of the taller building, but not less than twenty (20) feet.
- c. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

4.5.7 4.5.8 Lot Building Relationship:

Hereafter, every building erected, altered, or moved shall be located on a lot of record or unit, as described in the master deed of a site condominium project, as defined in this Ordinance, and, except in the case of mobile home parks or multiple family developments, in districts permitting such uses, there shall be no more than one (1) principal building or structure and its permitted accessory structures located on each lot or unit in all Zoning Districts. In the Agricultural (AG-1) District only one (1) residential structure and its permitted accessory structures shall be permitted on a lot of record or condominium unit.

Notwithstanding anything herein to the contrary, a freestanding accessory structure may be erected or placed on lots or units with a minimum lot area of ten (10) acres in the Agricultural (AG-1) Zoning District, without the necessity of a principal structure being located on such lot or unit, if said lots or units are otherwise in compliance with this Ordinance.

4.5.8 4.5.9 Floor Area Requirements for Dwelling Units:

- a. The floor area per dwelling unit and/or apartment erected on any lot or parcel shall be not less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Garages, carports, non-walled and non-roofed porches and unfinished basements are to be excluded. In no instance shall the ground-level floor contain less than five hundred forty (540) square feet.

<u>Number of Bedrooms In Each Dwelling Unit</u>	<u>Minimum Floor Area/ Each Dwelling Unit</u>
1-2	780
3	1,000

4	1,100
5	1,200

<u>Number of Bedrooms In Each Apartment Unit</u>	<u>Minimum Floor Area/ Each Apartment Unit</u>
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1	540
2	640
3	720

- b. In the event dwelling units or apartments wherein the number of bedrooms exceeds the number listed in the above table, the Township Building Inspector shall determine the minimum floor area based upon a logical extension of the requirements found in the above table.

~~4.5.9~~ **4.5.10** Setbacks for Non-Conforming Lots in Agricultural and Residential Zoning Districts:

On any lot in an Agricultural or Residential District that is non-conforming as to lot width and/or lot area, setbacks shall be as stated in Section 4.5 or, in the alternative, the Zoning Inspector is authorized to issue a Zoning Compliance Permit if a proposed ground floor construction or alteration, including porches and decks, are set back a distance corresponding to the more restrictive of the non-conforming setbacks to be found on the immediately neighboring lot or lots. However, this exception shall not authorize any building or construction within a public or private right of way or that would otherwise constitute a safety hazard.

ARTICLE V

SUPPLEMENTAL REGULATIONS

SECTION 5.1 -- PURPOSE

It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 -- SIGN REGULATIONS

5.2.1 General Sign Regulations:

- a. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- b. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- c. In the Agricultural District, all Residential Districts, and Local Commercial District, signs may be illuminated only by non-flashing, reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right-of-way line than one-half (1/2) the minimum authorized front yard depth.
- d. In the General Commercial, Highway Service Commercial and Light Industrial Districts, all signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- e. Unless otherwise specifically stated, all signs shall conform to the yard and height requirements of the district in which said sign is located.

- f. Signs in the Highway Service District may be placed up to ten (10) feet from the front property line and shall conform to all other provisions of the district.

5.2.2 Permitted On-Site Signs in the Agricultural District:

The following on-site signs are permitted on any one (1) lot in the Agricultural District:

- a. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation not to exceed three (3) square feet in area.
- c. One (1) on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
- d. One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.

5.2.3 Permitted On-Site Signs in Residential Districts:

The following on-site signs are permitted on any one (1) lot in Residential Districts:

- a. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
- c. One (1) on-site sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
- d. One (1) on-site sign not having commercial connotations identifying a multiple-family building or development or

mobile home park, not to exceed eighteen (18) square feet in area.

- e. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.

5.2.4 Permitted On-Site Signs in the Local Commercial District:

The following on-site signs are permitted on any one (1) lot in the Local Commercial District:

- a. One (1) on-site identification sign may be affixed flat against the wall of a building. The total sign area shall not exceed one-quarter (1/4) square foot for each foot in length or height of the wall, whichever is greater. No such sign shall extend above the wall to which it is affixed.
- b. One (1) on-site free-standing identification sign may be erected for a neighborhood shopping center. Such sign shall not exceed eighteen (18) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.
- c. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not within a shopping center. Such sign shall not exceed eighteen (18) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.

5.2.5 Permitted On-Site Signs in General Commercial, Highway Service Commercial, Commercial Recreation and all Industrial Districts. The following on-site signs are permitted on any one (1) lot in the General Commercial, Highway Service Commercial, Commercial Recreation and all Industrial Districts:

- a. One (1) on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. The total sign area shall not exceed one-half (1/2) square foot for each foot in length or height of the wall, whichever is greater.
- b. One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall

be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half (1/2) the distance of the required building setback.

- c. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, not be closer to the front, side, or rear property line than one-half (1/2) the distance of the required building setback.

5.2.6 Off-Site Signs:

Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Highway Service Commercial, and all Industrial Districts under the following conditions:

- a. Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the zone in which they are situated.
- b. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- c. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
- d. No off-site sign shall be erected on the roof of any building, nor have one sign above another sign.
- e. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

5.2.7 Signs for Automobile Service Stations:

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed on the main building or fuel pump canopies.

5.2.8 Elimination of Nonconforming Signs:

Nonconforming signs shall be eliminated or made to conform by the owner within five (5) years after the date of the enactment of this Ordinance.

SECTION 5.3 -- OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

5.3.1 Plans:

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a Zoning Compliance Permit for the erection or enlargement of a building.

5.3.2 Location of Off-Street Parking Areas:

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

5.3.3 Parking in Residential Districts:

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

5.3.4 Off-Street Parking Area Design:

- a. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- b. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- c. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
 1. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- d. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.

- e. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- f. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- g. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- h. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

5.3.5 Collective Parking:

Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

5.3.6 Determining Requirements:

For the purposes of determining off-street parking requirements the following units of measure shall apply:

- a. Floor Area:

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

b. Places of Assembly:

In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

c. Fractions:

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

5.3.7 Schedule of Off-Street Parking Spaces:

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.

Churches, Auditoriums,
Stadiums, Sports Arenas,
Theaters, Dance Halls,
Assembly Halls, other than
Schools

One (1) space for each four
(4) seats.

Dwelling Unit

Two (2) spaces for each family
or dwelling unit.

Funeral Homes and
Mortuaries

Four (4) spaces for each
parlor or one (1) space for each
fifty (50) square feet of floor
area plus one (1) space for each
fleet vehicle, whichever is
greater.

Furniture, Appliance
Stores, Household
Equipment and Furni-
ture Repair Shops

One (1) space for each four
hundred (400) square feet of
floor area.

Hospitals

One (1) space for each bed
excluding bassinets plus one (1)
space for each two (2)
employees.

Hotels, Motels, Lodging
Houses, Boarding Homes

One (1) space for each living
unit plus one (1) space for each
two (2) employees.

Automobile, Service
Stations

One (1) space for each eight
hundred (800) square feet of
floor area plus one (1) space
for each four (4) employees.

Manufacturing, Fabricating,
Processing and Bottling
Plants, Research & Testing
Laboratories

One (1) space for each two (2)
employees on maximum shift.

Medical and Dental Clinics

One (1) space for each two
hundred (200) square feet of
floor area plus one (1) space
for each employee.

Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private or Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Supermarket, Self-service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

5.3.8 Exception:

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 5.4 -- OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter erected, except single- and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

5.4.1 Plans:

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a Zoning Compliance Permit.

5.4.2. Off-Street Loading Area Design:

- a. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) feet in height clearance.
- b. 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. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

5.4.2 5.4.3 Off-Street Loading Area Space Requirements:

- a. 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.
- b. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- c. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand

(10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 5.5 -- CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Township of Cambridge into districts in each of which may be permitted specific uses which are mutual, compatible and conditional uses. Conditional uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restrictions in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The standards for approval and requirements provided for under the provisions of this Section shall be in addition to those required elsewhere in this Ordinance which are applicable to the conditional use under consideration.

5.5.1 Authority to Grant Permits:

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Township Board the approval, denial, or approval subject to condition as specified in subsection 5.5.6 of the Conditional Use Permit. The Township Board shall have the authority to approve, deny, or approve with conditions as specified in subsection 5.5.6, the Conditional Use Permit.

5.5.2 Application and Fee:

Application for any Conditional Use Permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official Conditional Use Permit application form; submitting a site plan in accordance with Section 5.6; and payment of the required fee as established by resolution of the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

5.5.3 Data, Information and Site Plan Application Requirements:

An application for a Conditional Use Permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; and a site plan as specified in,

and in accordance with, Section 5.6 -- Site Plan Review and Approval, of this Ordinance.

5.5.4 Public Hearings:

After a preliminary review of the site plan and an application for a Conditional Use Permit, the Planning Commission shall hold a hearing on the site plan and conditional use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which Conditional Use Permit approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. ***in accordance with Article VIII of this Ordinance.*** Notice of the public hearing shall also be published in a newspaper of general distribution in the township. Public notice shall be given not less than five (5) or more than fifteen (15) days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in notification. 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 individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this Section shall:

- a. Describe the nature of the conditional use request;
- b. Indicate the property which is the subject of the conditional use request;
- c. State when, where and at what time the public hearing on the conditional use request will be considered; and
- d. Indicate when and where written comments will be received concerning the request.

5.5.5 Required Standards and Findings for Making Determinations:

The Planning Commission shall review the particular circumstances of the conditional use request under consideration in

accordance with the requirements of Section 5.6 -- Site Plan Review and Approval and shall recommend approval of a conditional use request to the Township Board only upon approval of the site plan and finding of compliance with the standards as included in subsection 5.6.7 and the standards for specific uses as specified in subsection 5.5.10.

5.5.6 Determination and Imposition of Conditions:

A review of an application and site plan requesting a Conditional Use Permit shall be made by the Planning Commission in accordance with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they shall not be recommended to the Township Board for approval. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes.

If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this Ordinance will apply to the proposed conditional use, the Planning Commission shall not recommend to the Township Board that said Township Board should grant a Conditional Use Permit. The Planning Commission may recommend the imposition of conditions with the approval of a Conditional Use Permit application and site plan which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this or other applicable ordinances and regulations. Such conditions, if imposed by the Township Board, shall be considered an integral part of the Conditional Use Permit and approved site plan and shall be enforced by the Zoning Administrator.

These conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

5.5.7 Approval, Granting of Permit:

Upon holding a public hearing and the finding that the requirements of subsections 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval, approval with conditions, or denial to the Township Board.

The Township Board may approve the issuance of a Conditional Use Permit; deny the issuance of a Conditional Use Permit; or approve issuance of a Conditional Use Permit upon additional conditions or conditions modified from those originally recommended by the Township Planning Commission. In the event the Township Board deems that development of additional evidence or factual material would be necessary or helpful in determining the application for Conditional Use Permit, the Township Board may refer the matter back to the Township Planning Commission for further factual development and/or evidentiary hearing. In such event, the Township Planning Commission shall take necessary steps to further develop the facts and evidence and shall transmit this additional evidence and/or findings to the Township Board.

Approval and issuance of a Conditional Use Permit by the Township Board shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the Conditional Use Permit and shall be enforceable as such.

The decision to approve or deny a request for a Conditional Use Permit shall be retained as a part of the record of action on the request and shall incorporate a statement of *findings and conclusions* which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval. Once a Conditional Use Permit is issued, all site development and use of land on the property affected shall be consistent with the approved Conditional Land Use Permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Township Board upon recommendation of the Planning Commission and is documented as such.

When the Township Board gives final approval, a Conditional Use Permit shall be issued to the applicant. The Township Board shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector, and Planning Commission. The Zoning Inspector shall not issue a Zoning Compliance Permit until he has received a copy of the Conditional Use Permit approved by the Township Board.

5.5.8 Performance Guarantee:

In authorizing a Conditional Use Permit, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved site plan and the Conditional Use Permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the Conditional Use Permit. In fixing the amount of such performance guarantee, the Township Board shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety, and welfare of the residents of the township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this Section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the Conditional Use Permit.

5.5.9 Voiding of Conditional Use Permit:

Any Conditional Use Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred seventy-five (575) days of the date of issuance. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Township Board to terminate and cancel such Conditional Use Permit.

5.5.10

Additional Development Requirements for Certain Uses:

A Conditional Use Permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified.

a. Quarries:

The removal of soil, sand, gravel, stone, and other earth materials shall be subject to the following conditions:

1. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, piled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal, processing, or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
7. Such removal, processing, or storage shall not be conducted as to cause or threaten to cause the

erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping;

and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.

12. The operator shall file with Cambridge Township a performance bond, payable to Cambridge Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Township of Cambridge. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a Conditional Use Permit.

b. Junk Yards:

In addition to and as an integral part of development, the following provisions shall apply:

1. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid,

unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.

2. All traffic ingress and egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
3. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

c. Drive-In Theaters:

In addition to and as an integral part of development, the following provisions shall apply:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
2. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.
3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

d. Mobile Home Park:

1. All mobile home parks shall comply with the Trailer Coach Park Act of 1959, being Act 243, Public Acts of the State of Michigan for 1945, as amended, and the Cambridge Township Building Code.
2. Every mobile home park shall be served by a central water supply system and a central sanitary sewerage system.
3. The land area of a mobile home park shall not be less than ten (10) acres.
4. Mobile home sites shall be at least eight thousand (8,000) square feet in area.
5. All mobile homes shall be manufactured by a member of the Mobile Home Manufacturers Association, and carry the United States of America Standard Seal, or in lieu thereof, satisfactory evidence that said mobile home is built to the standards of the Mobile Home Manufacturers Association.
6. Each mobile home shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both said yards not less than thirty (30) feet.
7. Each mobile home site shall have front and rear yards with each such yard not less than eight (8) feet in depth and the aggregate depth of both yards not less than twenty (20) feet.
8. For purpose of this subsection, yard width shall be determined by measurement from the mobile home face or side to its site boundary, every point of which shall not be less than the minimum width herein provided. Open patios, carports, and individual storage facilities shall be disregarded in determining yard widths. The front yard shall be defined as that portion of the yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard shall be the opposite end of the

mobile home yard, and the side yards shall be that portion of the yard at right angles to the ends.

9. The following minimum distances shall be maintained from all mobile home sites:
 - a. Thirty (30) feet to any boundary of the park which is not a public street.
 - b. Fifty (50) feet to the right-of-way of any public street or highway.
 - c. Thirty (30) feet to any street within said park which is not a public street.
 - d. Eight (8) feet to any common walkway of such park.
 - e. Fifteen (15) feet to any parking area other than for park residents.
 - f. Fifty (50) feet to any service building located within such park.
10. All mobile homes shall be placed on a solid concrete four (4) inch apron which shall be so constructed, upgraded, and placed as to be adequate for support of maximum anticipated load.
11. All mobile homes located within a mobile home park shall be at least ten (10) feet wide and fifty (50) feet long.
12. Each mobile home shall be placed on a concrete pad as hereinbefore set forth and shall be enclosed or skirted around the bottom with material which shall match the exterior construction of the trailer.
13. An all-weather, hard-surfaced outdoor patio area of not less than one hundred twenty (120) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.

14. Each mobile home park shall include similarly designed enclosed storage structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space to be not less than one hundred twenty (120) cubic feet for each mobile home. Such structures may be located on each mobile home site or in a common structure with individual space provided.
15. Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.
16. Adequate central laundry facilities, including washers and dryers, shall be provided and maintained by the management of the mobile home park.
17. All mobile homes within the park shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements of and be approved by the Lenawee County Health Department.
18. All sanitary sewerage facilities, including plumbing connections to each site, shall be constructed so that all facilities and lines are protected from freezing or from creating any nuisance or health hazard. Running water from a state-tested and approved water supply providing for a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.
19. Drainage facilities shall be constructed to protect those who will reside in the mobile home park, as well as adjacent property owners.
20. All trash and garbage shall be stored in conveniently located enclosed structures and the removal of trash and garbage shall take place not less than once a week.

21. All electric, telephone and other lines to each mobile home site shall be underground and shall be of such voltage and such capacity to adequately serve all users. When separate meters are installed they shall be located in a uniform manner.
22. All fuel oil and gas storage shall be centrally located in underground tanks, at a safe distance from any mobile home site, and all fuel lines leading to mobile home sites shall be underground and so designed as to conform with the Cambridge Township Building Code and any State code that is found to be applicable. When separate meters are installed, each meter shall be located in a uniform manner.
23. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of the park except at established entrances and exits serving the park. When necessary for health, safety and welfare, a fence shall be required by the Cambridge Township Zoning Board of Appeals. No fence shall be higher than six (6) feet in height to separate the park from adjacent property. No fence shall be constructed of plain board.
24. A recreational area of at least three hundred (300) square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no farther than five hundred (500) feet from any mobile home site served. Streets, parking areas and laundry rooms are not to be included as recreation space in computing the necessary area.
25. All driveways, motor vehicle parking spaces and walkways within the park shall be hard-surfaced and adequately drained and lighted for safety and ease of movement.
26. All roadways within the park shall be twenty-two (22) feet in width and shall be kept clear of ice and snow and in good repair. No parking shall be permitted on said roadways.

27. Each mobile home site shall be provided with a carport for at least one (1) motor vehicle, and no vehicle, boat, travel trailer, recreational vehicle, or any other vehicle shall regularly be parked on the premises unless parked in said carport; centralized off-street parking shall be provided by the park management for the parking of any other vehicles, consisting of one (1) parking space per mobile home site.
28. No mobile home site shall be used for a commercial purpose of any kind, and no animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, and other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purposes.
29. Any awning or cabana room shall be made of or covered with aluminum or comparable siding which shall match the siding of the mobile home.
30. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.

e. Mobile Home Subdivision:

1. All mobile homes to be erected as permanent residences in mobile home subdivisions shall meet the requirements of the Cambridge Township Building Code and shall be approved by the Zoning Inspector prior to erection on the lots.
2. All mobile homes shall be placed on a solid concrete four (4) inch apron which shall be so constructed, graded, and placed as to be adequate for support of the maximum anticipated load.
3. Each mobile home shall be placed on a concrete pad as hereinbefore set forth and shall be enclosed or skirted around the bottom with a material which shall match the exterior construction of the trailer.

4. Lot areas where a mobile home is to be erected, altered, or used as a single-family dwelling shall contain not less than twelve thousand (12,000) square feet of lot area if the lot is served by a central sanitary sewerage system. Where a lot is not so served, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each mobile home.
5. The minimum lot width for lots served with a central sanitary sewerage system shall be eight (80) feet. Where a lot is not so served, the minimum lot width shall be one hundred (100) feet.
6. The maximum lot coverage shall not exceed thirty (30) percent.
7. Each lot in a mobile home subdivision shall have a front yard of not less than thirty-five (35) feet.
8. Each lot in a mobile home subdivision shall have two (2) side yards and the least width of either yard shall not be less than ten (10) feet, but the sum of the two (2) side yards shall not be less than twenty-five (25) feet.
9. Each lot in a mobile home subdivision shall have a rear yard of not less than twenty (20) feet.
10. No building or structure, or part thereof, shall be erected to a height exceeding fifteen (15) feet.
11. All mobile homes to be erected and used in a mobile home subdivision shall contain a gross floor area of not less than five hundred (500) square feet.

f. Planned-Unit Development:

The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Planning Commission of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements:

1. The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
2. The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of Section 5.6 -- Site Plan Review and Approval. In addition to the site plan data specified in Section 5.6, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Cambridge Township.

3. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned-unit development is located.
4. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.
5. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
6. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.

7. The common open-space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
8. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the planning development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

g. Special Event Parking:

A Conditional Use Permit for Special Event Parking shall be subject to the following minimum conditions:

1. The applicant shall submit and obtain approval of site plan as provided in Section 5.6 of this Ordinance.
2. No signs shall be posted except as otherwise provided in this Ordinance for signs located in Agricultural Zoning Districts and under no circumstances shall any such sign exceed sixteen (16) square feet nor shall any off- premises sign be allowed. In no event shall any sign be located in any road or public right of way or where it would otherwise create an obstruction of vision or hazard to traffic.
3. No parking shall be allowed in any setback area required in this Ordinance.
4. If the property proposed for this use adjoins or faces a residential lot or use, vehicle parking shall be effectively screened by a wall, fence or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and shall not encroach on adjoining property.

5. The applicant shall comply with all applicable provisions of the Americans with Disabilities Act (ADA) and/or other Federal and State regulations regulating the parking of motor vehicles.
6. No permit shall be granted allowing such use in excess of three (3) consecutive days and, cumulatively, in excess of fifteen (15) days in any one (1) year period. The recited limitations may be extended upon approval of the Zoning Inspector if the event in question is postponed due to weather or other conditions outside the control of the applicant.
7. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
8. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
9. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
 - a. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 - b. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
 - c. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - d. For parallel parking, the aisle shall not be less than ten (10) feet in width.
10. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect

the light away from any adjoining residential lot or institutional premises.

11. All parking shall be arranged so that it is not necessary for vehicles to back out directly into a public or private street or roadway.
12. The applicant shall provide a certificate of public liability and property damage insurance covering such parking activity with minimum liability limits of \$100,000.00 for damages resulting to any one person and \$300,000.00 per occurrence and property damage limits of \$300,000.00 per occurrence.
13. The Township Board shall from time to time establish an annual fee for such Conditional Use Permits to reflect the anticipated cost of inspections and enforcement necessary to facilitate compliance and restoration of the premises to compliance with Agricultural Zoning District requirements between special event parking uses.

h. Communication Tower:

~~A.~~ *I.* Purpose and Intent:

It is the purpose and intent of the Township to regulate wireless communication facilities in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, the Township is mindful that regulations may not unreasonably discriminate among providers, or prohibit the provision of the wireless communications services.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Section to:

- ~~1.~~ *a.* Provide for the administration of this section so as to preclude the necessity of having new, freestanding tower or pole

structures in the Township, and so as to preclude the establishment of wireless communication facilities in residential neighborhoods or on or near public school properties.

- ~~2.~~ **b.** Facilitate adequate and efficient provision of sites for wireless communication facilities.
- ~~3.~~ **c.** Identify zoning districts considered best for the establishment of wireless communication facilities, as a conditional use subject to applicable standards and conditions.
4. **d.** Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- ~~5.~~ **e.** Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- ~~6.~~ **f.** Promote the public health, safety and welfare.
7. **g.** Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- ~~8.~~ **h.** Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
9. **i.** Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty

areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and avoidance of new freestanding structures.

~~10.~~ *j.* The legislative body of the community finds that the presence of a tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

~~11.~~ *k.* Land within road rights-of-way shall be subject to regulation under this Section.

~~B.~~ **2. Definitions:**

The following definitions shall apply in the interpretation of this Section:

~~1.~~ *a.* *Wireless Communication Facilities* shall mean and include 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 devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within

this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.

- 2. **b. *Attached Wireless Communications Facilities*** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- 3. **c. *Wireless Communication Support Structures*** shall mean 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.
- 4. **d. *Colocation*** shall mean the location by two or more wireless communication providers of the 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.
- 5. **e. *Planning Official*** shall mean the Township Board upon recommendation of the Township Planning Commission.

C. 3. Authorization:

- 1. **a.** Subject to the standards and conditions set forth in subparagraph D.1., below, wireless

communication facilities shall be conditional uses in the following circumstances, and in the following districts:

Agricultural (AG-1)

General Commercial (C-2)

Highway Service Commercial (C-3)

Light Industrial (I-1)

~~D.~~ **4. General Regulations:**

~~1.~~ **a. Standards and Conditions Applicable to All Special/Conditional Land Use 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 Planning Official in the Planning Official's discretion:

~~A.~~ **1. The following site and developmental requirements shall apply:**

~~1a.~~ A minimum site of two (2) acres and two hundred seventy-five (275) feet of road frontage shall be required.

~~2b.~~ The appropriateness of guy wires shall be considered when the property abuts a Residential Zoning District or use.

~~3c.~~ The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high fence.

~~B.~~

2. The following special performance standards shall apply to communication towers:

~~1a.~~ Communication towers must be set back from all property lines a distance equal to its height plus twenty-five (25) feet. Setback from all overhead electric power and other overhead utility lines shall equal the tower height and an additional ten (10) feet. Notwithstanding setback requirements set out herein, no wireless communication facility shall be located closer than one thousand (1,000) feet to any residential dwelling.

~~2b.~~ Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in Section 4.5 (Area, Yard, Height, and Bulk Requirements).

~~3c.~~ Accessory structures shall not exceed six hundred (600) square feet of gross building area.

~~4d.~~ All towers shall be equipped with an anticlimbing device to prevent unauthorized access.

~~5e.~~ The plans of the tower shall be certified by a registered structural engineer.

~~6f.~~ The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

7g. Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ (one-half) mile of a helipad.

8h. No part of any communications tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.

9i. Metal towers shall be constructed of, or treated with, corrosive-resistant material.

10j. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.

11k. Towers with antennae shall be designed to withstand a uniform wind loading in accordance with Section 1611.9 of the BOCA Code-1993.

12l. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

~~13~~*m.* Towers shall be located so that they do not interfere with reception in nearby residential areas.

~~14~~*n.* Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.

~~15~~*o.* The base of the tower shall occupy no more than five hundred (500) square feet.

~~16~~*p.* Minimum spacing between tower locations, whether located within or outside the borders of the Township, shall be two (2) miles in order to prevent a concentration of towers in one area.

~~17~~*q.* Height of the tower shall not exceed two hundred (200) feet from grade within a Commercial Zoning District, and three hundred (300) feet from grade within an Industrial or Agricultural Zoning District. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to colocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures with the respective district.

~~18~~*r.* Towers shall not be artificially lighted except as required by the Federal Aviation Administration. Unless superseded by State or Federal regulation, such towers shall be equipped, for safety purposes,

with a red strobe at it's peak during non-daylight hours and a white strobe during daylight hours.

~~19s~~.Existing on-site vegetation shall be preserved to the maximum extent practicable.

~~20t~~.There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

~~21u~~.There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.

~~22v~~.Where the property adjoins any residentially-zoned property or land use, the developer shall, within a reasonable time but no later than ninety (90) days, plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet to any structure.

~~23w~~.Facilities shall be located and designed to be harmonious with the surrounding areas. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize attached wireless communications facilities.

~~24~~x. Wireless communication facilities shall comply with applicable Federal and State standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a Certification of Compliance by the applicant's licensed engineer.

~~25~~y. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.

~~C.~~ 3. The following additional standards shall be met:

~~1~~a. The division of property for the purpose of locating a wireless communication facility is prohibited unless all requirements and conditions of the Michigan Land Division Act are met.

~~2~~b. 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 to all district requirements for principal buildings, including yard setbacks. For colocation facilities served by an accessory building, there shall be a single, architecturally uniform accessory building for all providers.

3c. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

4d. 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 long term, continuous maintenance to a reasonably prudent standard.

5e. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a wireless communication facility within two (2) miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would

not be feasible for it to colocate on the facility that has been newly granted final approval.

~~6f.~~ The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.

- E 5. Application Requirements:
1. *a.* A site plan prepared in accordance with Section 5.6 shall be submitted, showing the location, size, screening and design of all buildings and structures, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 2. *b.* The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
 3. *c.* 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.

4. *d.* The application shall include a description of security to be posted with the Township 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 paragraph H below. In this regard, the security, in an amount determined in the discretion of the Township shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the Office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the Ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.

5. *e.* The application 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 colocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information that is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. 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 Township.

6. *f.* The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
7. *g.* The application fee, in the amount specified by Township Board Resolution.
8. *h.* The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in the General Regulations, above.

¶ 6. Escrow of Expenses:

1. *a.* The fees for application are to be considered basic application fees which cover only consideration of the application at regularly scheduled Planning Commission, Zoning Board of Appeals and/or Township Board meetings and publication and mailing of notice of hearing, as applicable.
2. *b.* In addition to the basic application fee, applicants shall pay the costs of review of applications under this Ordinance. Such charges shall be in addition to the basic application fee, in an amount equal to the Township's actual expenses incurred for reviewing the application, including but not limited to the cost of:
 - a. *1.* Planning Commission subcommittee meetings;

- b. **2.**Special meetings; Review by Township Attorney and preparation of appropriate approving resolutions, ordinances and/or other documentation;
- e. **3.**Review by Township planner;
- d. **4.**Review by Township engineer;
- e. **5.**Review by County Drain Commissioner;
- f. **6.**Review by County Road Commission;
- g. **7.**Additional notices of public hearing;
- h. **8.**Traffic studies;
- i. **9.**Environmental impact studies;
- j. **10.**Notice of additional hearings; and
- k. **11.**Similar services and expenses.

3c. The Zoning Administrator or Planning Commission shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. The amount to be paid into escrow shall be established in increments of at least five hundred (\$500.00) dollars, commencing with an initial deposit of not less than five hundred (\$500.00) dollars. No application shall be processed prior to the required escrow fee having been deposited with the Zoning Administrator or Planning Commission for transmittal to the Township Treasurer. If an applicant objects to the amount of the escrow funds required to be deposited, it may appeal that determination to the Township Board within thirty (30) days after the initial decision by the Zoning Administrator or Planning Commission.

- 4d.* If funds in the escrow account are depleted, the applicant shall make an additional deposit sufficient to cover any deficit and to re-establish a balance of at least five hundred (\$500.00) dollars. The amount of additional deposit sufficient to cover any deficit in the account shall be at least five hundred (\$500.00) dollars, or such greater amount as is determined by the Zoning Administrator or Planning Commission to be reasonably necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application until the escrow account has been re-established to such appropriate level, as determined by the Zoning Administrator or Planning Commission. The Zoning Administrator or Planning Commission shall maintain accurate records regarding the expenditures made on behalf of each applicant from the escrow account. Such escrow funds {from one (1) or more applicants} shall be kept in a separate bank account or bank account category.
- 5e.* Any excess funds remaining in the escrow account after the application has been fully processed, reviewed and the final decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the Township, the Township shall send the applicant a statement for such additional fees. Until the applicant pays such fees for the expenses of review, no further building permit or Certificate of Occupancy or other permit or approval for the project shall be issued, and if such expenses remain unpaid for a period of fourteen (14) days, the Township Zoning Administrator or Building Official may issue appropriate stop work orders or take other action to halt work on

the project. In addition, the Township may take legal action to collect unpaid fees.

67.. Colocation:

4. a. Statement of Policy:

It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in paragraph A of this section above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of Federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should colocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in paragraph A of this section. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

2. **b.** Feasibility of Colocation:

Colocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:

a1. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.

b2. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

c3. The colocation being considered is technologically reasonable, e.g. the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

d4. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in parts D and F of this section, above.

3. **c.** Requirements for Colocation:

a1. A special land use permit or Conditional Use Permit 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.

b2. All new and modified wireless communication facilities shall be designed and constructed to accommodate colocation.

e3. The policy of the community is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure.

d4. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new wireless communication support structures within the Township for a period of five (5) years from the date of the failure or refusal to permit colocation. Such a party may seek a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would

unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

4. *d.* Incentive:

Review of an application for colocation shall be expedited by the Township.

~~H~~8. Removal:

~~1~~*a.* A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

~~a~~*1.* When the facility has not been used for 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.

~~b~~*2.* Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or less incompatible with the area.

~~2~~*b.* The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.

~~3~~*c.* Upon the occurrence of one or more of the events requiring removal, specified in

paragraph 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 Planning Official.

- 4d.** 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 at least thirty (30) days 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, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- 5e.** The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

19. Effect of Approval:

- 1a.** Subject to the following paragraph 2, final approval under this section shall be effective for a period of six (6) months.
- 2b.** If construction of a wireless communication facility is commenced within two (2) miles of the land on which a facility has been approved, but on which construction has not been commenced during the six (6) month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not

be feasible for it to collocate on the facility that has been newly commenced.

i. Open Recreational Vehicle Storage:

Notwithstanding Section 5.9 herein, open storage of recreational motor vehicles and watercraft may be allowed as a conditional use in the Agricultural (AG-1), General Commercial (C-2), Highway Service Commercial (C-3) and Light Industrial (I-1) Zoning Districts under the minimum conditions that follow:

1. Storage shall be limited to operating and functional recreational motor vehicles and watercraft, specifically including snowmobiles and personal watercraft. No inoperable, dismantled and/or partially dismantled vehicles or watercraft shall be stored on the premises and no on-site mechanical repairs shall be permitted.
2. No vehicle or watercraft shall be occupied during the period of storage and at no time shall such stored items be connected to sanitary sewer facilities or have fixed connection to electricity, water or gas utilities.
3. The terms “recreational motor vehicle” and “watercraft” shall not include vehicles customarily categorized as passenger automobiles; motorcycles; pickup trucks; commercial vehicles of any type; airplanes; helicopters; and/or tents. Camper shells and travel trailers designed to be towed by a motor vehicle shall be included in the term “recreational motor vehicle.”
4. The minimum area of the site shall be three (3) acres. In the event other use is made of the property a minimum of three (3) acres shall be devoted solely to this use.
5. The minimum street frontage shall be two hundred ten (210) feet and on a public street or highway and all ingress and egress shall be located on a public street or highway.

6. Within a reasonable time, but not exceeding ninety (90) days subsequent to issuance of a Conditional Use Permit, an opaque fence, buffer wall or planting strip shall be provided sufficient in nature to screen the view of stored items from view of all neighboring properties and public and private streets and highways.
7. Exterior lighting shall be installed in a manner that will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.
8. Such storage shall comply with all Federal, State and Local environmental and health regulations, including appropriate measures to prevent leakage of fuel or other petroleum products and/or hazardous materials onto or into the soil and/or waterways.
9. No item shall be stored within any required setback.

j. Open Space Cluster Development:

Notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

~~A.~~ **I.** Requirements:

1. **a.** The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre; or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
2. **b.** Not less than fifty (50%) percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication,

restrictive covenant, or other legal means that runs with the land.

- ~~3.~~ **c.** The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
 - 4.** **d.** The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
- ~~B.~~ **2.** The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
- ~~1.~~ **a.** The provisions of the Zoning Ordinance and Subdivision Control Ordinance that are not in conflict with and preempted by **Section 506 of the Zoning Act (MCL 125.3506)**.
 - ~~2.~~ **b.** The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
 - ~~3.~~ **c.** Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
 - 4.** **d.** Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
 - ~~5.~~ **e.** Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
- C.** **3.** As used in this section, 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 of condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

SECTION 5.6 -- SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

5.6.1 Buildings, Structures, and Uses Requiring Site Plan:

The Zoning Inspector shall not issue a Zoning Compliance Permit for the construction of the buildings and structures identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect:

- a. Any conditional use.
- b. A multiple-family building containing six (6) or more dwelling units.
- c. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
- d. A mobile home park.
- e. An office in any Residential District.
- f. Any gasoline service station abutting a Residential District.
- g. Commercial.
- h. Industrial.

5.6.2 Application and Fee for Site Plan Review:

Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Township Board.

Fees applicable to site plan reviews for planned unit developments and conditional uses are waived in lieu of fees established by resolution of the Township Board for these purposes. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

5.6.3 Planning Commission Review of Site Plan:

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

5.6.4 Required Data for Detailed Site Plan:

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- a. Every site plan submitted, except site plans required for uses as prescribed in subsection **5.6.4.b** of this Ordinance, shall be drawn to a readable scale and shall include the following:
 1. The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 2. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
 3. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
 4. The current zoning classification on the subject property and all adjacent property.

- b. Site Plans submitted for the following uses shall be subject to the requirements of subsection 5.6.4.c.
 - 1. The following conditional uses:
 - a. Quarries.
 - b. Travel trailer parks.
 - c. Commercial feedlots.
 - d. Sanitary landfills.
 - e. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
 - f. Amusement parks.
 - g. Planned-unit residential and commercial developments.
 - h. Mobile home parks.
 - i. Automobile service stations.
 - j. Hotels or motels.
 - k. Drive-in businesses.
 - l. Automobile repair garages.
 - m. Drive-in theaters.
 - n. Junk yards.
 - o. Bulk oil storage.
 - p. Marinas.
 - 2. A multiple-family building containing six (6) or more dwelling units.
 - 3. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.

4. An office in any Residential District.
 5. Any gasoline service station abutting a Residential District.
- c. Site plans submitted for the uses prescribed in subsection 5.6.4.b shall be submitted in accordance with the following requirements:
1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals one hundred (100) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one (1) drawing where required for clarity.
 2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
 3. The site plan shall show the scale; north point; boundary dimensions; topography (at least two (2) foot contour intervals); and natural features, such as woodlots, streams, rivers, lakes, drains, and similar features.
 4. The site plan shall show existing man-made features, such as buildings; structures; high- tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
 5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre,

including a dwelling schedule showing the unit type and number of each unit types.

6. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
7. The site plan shall show the proposed location, use and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.

5.6.5 Standards for Site Plan Review:

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and State and Federal statutes. Further, in consideration of each site plan, the Planning Commission shall find that provisions of subsections 5.6.3 and 5.6.4 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily met by the applicant. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the Zoning Ordinance. A site plan shall be approved if it contains the information required in subsection 5.6.4 and is in compliance with the Zoning Ordinance imposed pursuant to the Ordinance, other applicable ordinances, and State and Federal statutes.

In addition, each of the following standards shall apply:

- a. The use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- b. The use shall not inappropriately change the essential character of the surrounding area.

- c. The use shall not interfere with the general enjoyment of adjacent property.
- d. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be keeping with the natural environment of the site.
- e. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.
- f. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
- g. The use shall not place demands on public services and facilities in excess of current capacity.
- h. The use shall be consistent with the intent and purpose of this Ordinance.

5.6.5 Approval of Site Plan:

Upon the Planning Commission approval of a site plan, the applicant shall file with the Clerk, four (4) copies thereof. The Clerk shall, within ten (10) days, transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Zoning Inspector shall not issue a Zoning Compliance Permit and building permit until he has received a certified approved site plan.

The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a revision is completed in accordance with subsection 5.6.8.

5.6.7 Expiration of Site Plan Certificate:

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Inspector has issued a Zoning Compliance Permit for any proposed work authorized under a said site plan certificate.

5.6.8 Amendment, Revision of Site Plan:

A site plan, and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 5.6 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

SECTION 5.7 -- NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, or extended except as provided herein; nor to be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

5.7.1 Nonconforming Uses of Land:

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

- a. No such nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- b. No such nonconforming use of land shall be moved in whole or in part to any other portion of such land not

occupied on the effective date or adoption or amendment of this Ordinance.

- c. If such nonconforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this Ordinance for the district in which such land is located.

5.7.2 Nonconforming Structures:

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason or restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. No structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance.
- b. Should any such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

5.7.3 Nonconforming Uses of Structures:

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- b. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred and eighty (180)

consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

- c. Any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not to exceed ten (10%) percent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

- d. Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- e. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

5.7.4 Change of Tenancy or Ownership:

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is not change in the nature or character of such nonconforming use, building, or structure.

5.7.5 Nonconforming Lots:

In any district where single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot shall be of separate ownership and not of continuous

frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail 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.

For the purpose of clarity, the following illustration is offered to further describe the application of the provisions of Section 5.7.5 Subdivision Alpha, created prior to the effective date of adoption of the Cambridge Township Zoning Ordinance, contains five (5) lots labeled a, b, c, d, and e. Each of these lots has a lot width which is ten (10) feet less than permitted in the residential zoning district in which they are located. Single-family dwellings are permitted in this district. Lots a and b are owned by separate owners, while lots c, d, and e are owned by one (1) owner. Section 5.7.5 permits the erection of single-family dwellings on lots a and b provided that yard requirements and lot coverage requirements are met. A single-family dwelling may be erected on the areas of lots c, d, and e combined as one (1) lot through approval of a variance; or two (2) single-family dwellings may be erected on two (2) lots created out of the combined area of lots c, d, and e, provided two (2) legal lots are created from the combined area of these lots through approval of a variance. Section 5.7.5 does not permit the development of a single-family dwelling on lot c, d, or e with the sale of the remaining two (2) lots nor does it permit the development and sale, or sale for the purpose of development of lots c, d, or e individually. It is not the intent of Section 5.7.5 to permit the erection of a single-family dwelling on a substandard lot in instances where it is possible to create conforming lots because of patterns of land ownership.

5.7.6 Extension and Substitution:

There shall be a specific exemption from the preceding prohibitions, whether in Section 5.7 or any other section, against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a nonconforming use when such use is occupied as a dwelling place. In this case, the owner or tenant of said dwelling place shall make application to the **Zoning** Board of Appeals requesting an exemption from the aforesaid prohibitions. If the **Zoning** Board of Appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety, or the well-being of the occupants that the request is proper, then the **Zoning** Board of Appeals may authorize the tenant to

rebuild, alter, replace, improve, enlarge, extend, substitute, or modify said dwelling place. Prior to granting any such request under this section, the **Zoning** Board of Appeals specifically shall make the following findings of fact and apply the following standards:

1. *a.* That the use was originally constructed as a dwelling place, and has continuously been occupied as a dwelling place.
2. *b.* That the use currently is occupied as a dwelling place by the owner, or, if not occupied by the owner, then the premises shall not be leased or rented for monetary gain.
3. *c.* That by reason of original construction, current condition, or a part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this Zoning Ordinance and any applicable building codes.
4. *d.* That by reason of original construction, current condition, or proposed change, the use will meet the building code requirement set forth by this Zoning Ordinance and any building code applicable to the type of use and type of use district.
5. *e.* That the use adequately is serviced by public utilities and private or public highways or roads.
6. *f.* That the proposed changes will materially and substantially benefit the use as a dwelling place and/or make the use more in conformity with the provisions of this Zoning Ordinance and any building code.
7. *g.* That the proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.

Proceedings under this section shall follow the same procedure and be subject to the same application fee as set forth for applications to the **Zoning** Board of Appeals on an appeal under Section 7.5.

All applications under this section shall be accompanied by complete plans and specifications of the proposed improvements to the existing dwelling or new unit if substitution of the dwelling is requested.

All applications under this section shall be submitted on forms provided by the Township.

SECTION 5.8 -- PERFORMANCE STANDARDS

5.8.1 Requirements:

No lot, building, or structure in any district shall be used 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. Uses in all districts, where permitted, shall comply with the following performance requirements:

a. Noise:

Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

b. Vibration:

No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

c. Smoke:

Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.

d. Odor:

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

e. Air Pollution:

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

f. Glare:

No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

g. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

5.8.2 Plans:

The application for a Zoning Compliance Permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

5.8.3 Enforcement:

The Zoning Inspector may refer the application to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards.

The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and Cambridge Township.

SECTION 5.9 -- STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- ~~A.~~ **5.9.1** On any lot in any Agricultural District, Residential District, or Commercial District, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.

- ~~B.~~ **5.9.2** On any lot in any Industrial District, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- ~~C.~~ **5.9.3** In any district, it shall be unlawful for any person to store, place, or permit to be stored or placed, for a period of more than fifteen (15) days continuously a dismantled, partially dismantled, improperly licensed or inoperable motor vehicle or any parts of a motor vehicle, on any parcel of land platted, or unplatted, or any street adjacent thereto, unless either said motor vehicle or parts thereof shall be kept in a wholly enclosed garage or other wholly enclosed structure, or unless the owner or occupant of the said parcel of land is licensed as a Second Hand Dealer or Junk Dealer pursuant to the provisions of the Township Zoning Ordinance of this code.
- ~~D.~~ **5.9.4** Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a Residential District, except that the parking of an operable and licensed passenger vehicle on a driveway located on private property shall not be prohibited.

5.9.5 FOR PUPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

- ~~1.~~ **a.** Motor vehicles are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled.
- ~~2.~~ **b.** Inoperable motor vehicles are defined as motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power.
- ~~3.~~ **c.** Dismantled or partially dismantled motor vehicles are defined as motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

SECTION 5.10 -- MOBILE HOMES, TRAVEL TRAILERS, MOTOR HOMES AND TENTS

- A **5.10.1.** No person shall use, occupy, or permit the use or occupancy of a mobile home as a dwelling within the Township, not designated as a mobile home park, unless:
- ~~1.~~ **a.** A permit for the placement of such mobile home has been obtained from the Township Clerk. All applications for said permit shall be accompanied by a non-refundable fee which shall equal the fees charged for building permits and electrical inspections for comparable site built structures, which fee shall be used to defray the cost of inspection as provided in this Ordinance; and,
 - ~~2.~~ **b.** Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Township Ordinance relating to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is situated; and,
 - ~~3.~~ **c.** Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said mobile home shall be connected thereto; and
 - ~~4.~~ **d.** A mobile home shall be installed pursuant to the manufacturer's set-up instructions and shall have a foundation, of pile construction or otherwise, that meets the requirements of the Cambridge Township Building Code for mobile home installation and adequate for support of the maximum anticipated load. The mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission. If installed without a foundation wall of the same perimeter dimensions of the mobile home, it shall be enclosed or skirted around the bottom with a material that shall match the exterior construction of the mobile home. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the building code applicable in the Township.
 - ~~5.~~ **e.** Construction of, and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), and as from time to time amended.

- 6. *f.* Unless more stringent standards are or have been established by State or Federal statute or rules and/or regulations promulgated by State or Federal agencies governing mobile homes, all mobile homes under seventy (70) feet in length shall be equipped with at least two (2) smoke detection and/or alarm devices. Any mobile home over seventy (70) feet in length shall be equipped with at least three (3) such detection and/or alarm devices. The type of detection and/or alarm device or system and the placement of such devices within the mobile home shall be approved by the Fire Chief of the Cambridge Fire Department or by said Fire Chief's designated representative.
- 7. *g.* If placed within a flood zone, said mobile home shall meet all requirements for construction of dwellings on-site within said zone; and
- 8. *h.* Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

B **5.10.2.** The foregoing requirements in Section A notwithstanding, the placement and use of a mobile home in any residential district within the Township shall be aesthetically compatible with single-family dwellings in the district, and as a minimum said mobile home shall:

- 1. *a.* Be so placed and situated that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to the foundation; and
- 2. *b.* Shall be placed upon the property in such a way that its appearance shall be compatible with single-family dwellings constructed on-site within said district.

C **5.10.3.** The Zoning Inspector shall have authority to grant a permit for the temporary occupancy of mobile homes on any lot in a Residential District subject to the following conditions:

- 1. *a.* During the period of construction of a new permanent dwelling, but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one mobile home situated at such construction site provided such owner intends to occupy as a residence such dwelling upon completion of its construction.

- 2. *b.* Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
 - 3. *c.* The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
 - 4. *d.* The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Lenawee County Health Department for the permanent dwelling to be constructed thereat.
 - 5. *e.* A mobile home may be used as a temporary field office provided it is certified as such by the Zoning Inspector.
- Ⓓ **5.10.4.** No person shall occupy any mobile home as a dwelling within the Township until a certificate of approval shall be issued by the building official and/or Zoning Administrator, which permit shall indicate satisfactory compliance will all requirements of the Township Zoning Ordinance and Building Code. Whenever the requirements of the Township Zoning Ordinance, Building Code and/or United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280) shall be applicable and shall be in conflict, the more stringent of the aforementioned codes or regulations shall apply.
- Ⓔ **5.10.5** Any use or structure other than those permitted in this Ordinance is prohibited. Motels, apartments, and row houses are expressly prohibited as well as any use which would, by its nature, be likely to create a need for public utilities or services or which would be likely to create conditions of pollution or health hazard.
- Ⓕ **5.10.6** Any use or structure other than those permitted within this Ordinance is prohibited as well as any use prohibited in any Residential District. Buildings for the sale or processing of farm products, seasonable farm employee dwellings, dairying, kennels, greenhouses and nurseries, multiple-family dwellings, and motels are specifically prohibited.
- Ⓖ **5.10.7** Any use or structure other than those permitted within this Ordinance as well as any use prohibited in any Residential District, unless otherwise specifically permitted herein is prohibited. Any use or structure that may be specifically permitted within this Ordinance shall not relieve

compliance with any other requirements specified for the particular zoning district in which said premise is situated.

- ~~H.~~ **5.10.8**No travel trailer, tent or motor home shall be used as a permanent dwelling. A travel trailer, tent or motor home may be temporarily placed and occupied in a duly licensed travel trailer park, or as a temporary dwelling provided such travel trailer, tent or motor home is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer, tent or motor home occupants and certified by the Zoning Inspector for a period not to exceed two (2) weeks in any one (1) calendar year.
- ~~I.~~ **5.10.9**Severability -- The words, terms and phrases of this Ordinance shall be severable and if any part is adjudged unconstitutional or invalid by a Court of competent jurisdiction said ruling or judgment shall not affect the remaining provisions of this Ordinance.
- ~~J.~~ **5.10.10**Repealer -- Any and all ordinances and resolutions of the Township inconsistent with the terms of this Ordinance and specifically Section 5.10 of the Zoning Ordinance of Cambridge Township, Lenawee County, Michigan, shall be and are hereby repealed and amended.
- ~~K.~~ **5.10.11**Effective Date -- This Ordinance shall be in force and effect from February 1, 1982.

SECTION 5.11 -- VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 5.12 -- ACCESS TO PUBLIC STREETS

- ~~A~~**5.12.1.** In all districts, every use, building and/or structure established hereafter shall be on a lot or parcel which adjoins a public street.
- ~~B~~**5.12.2.** Any use, building or structure located on a lot or parcel served by a non-conforming private road or access easement, may be improved, altered and/or replaced, as otherwise allowed by this Ordinance, the Building Code Ordinance, and other applicable Ordinances, without the necessity of dedication and acceptance of the private road or access easement by the public.

SECTION 5.13 -- FLOODPLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps. Of Engineers, or other official authority.

SECTION 5.14 -- HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- ~~A.~~ **5.14.1** Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants thereof.
- ~~B.~~ **5.14.2** No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- ~~C.~~ **5.14.3** There shall be no exterior storage of materials or equipment.
- ~~D.~~ **5.14.4** No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapor, gases, or matter at any time.

SECTION 5.15 -- FENCES

Fences in Residential Districts shall be permitted subject to the following conditions:

- ~~A.~~ **5.15.1** Fences which enclose property shall not exceed six (6) feet in height, as measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the dwelling or the required minimum front yard, whichever is greater.
- ~~B.~~ **5.15.2** Fences enclosing perimeter of a property may be placed no closer than three (3) inches of side lot lines and three (3) inches of rear lot lines. Fences may be placed on lot lines with written consent of both property owners at the time the permit is issued, and on file with the Zoning Inspector.

- C. **5.15.3**Fences located in a Lake Residential (RL-1) district shall be set back a minimum of three (3) feet from the public road right-of-way on any lot contiguous with a public road.
- ~~E.~~ **5.15.4A** person constructing a fence located in any zoning district shall be first required to obtain a permit from the Township Zoning Inspector. Said permit will require a property legal description supplied by the applicant and attached as part of the fence permit.

SECTION 5.16 -- TEMPORARY USE

Circuses, carnivals, or other transient enterprises or individuals selling goods, wares, merchandise, or tickets may not be permitted in any district without the written approval of the Police Administrator, Zoning Administrator, or duly appointed official, based upon the findings that the location of such activity will not adversely affect the adjoining properties, not adversely affect public health, safety, morals, and the general welfare and without first obtaining a license.

Licenses shall be issued by the Township upon forms provided by the Clerk, upon compliance with the State and Local health and safety codes. Licenses shall expire on December 31st of each year.

Any license issued by the Township may be revoked or suspended if it is unlawful, fraudulent in nature, or contrary to *public* health, safety, morals, and *general welfare*. Revocations may be appealed to the *Zoning* Board of Appeals.

Anyone violating this section of the Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days or both.

SECTION 5.17 -- ESSENTIAL SERVICES

- ~~A.~~ **5.17.1**Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- ~~B.~~ **5.17.2**Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

SECTION 5.18 -- CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Zoning Inspector and such other County and State authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

SECTION 5.19 -- SETBACKS ON MAJOR ROADS

No building or structure shall be located within one hundred (100) feet of the existing right-of-way line for the following major streets and highways: M-50 and US-12. Notwithstanding, signs may be located within this one hundred (100) feet setback provided such a sign otherwise complies with setbacks and all other provisions of the Zoning Ordinance regulating signs within the Zoning District in which it is located, or otherwise generally regulating signs, and further provided that a permit for such sign has been issued by the Michigan Department of Transportation (MDOT)

SECTION 5.20 -- DIVISION OF UNPLATTED PARCEL

The division of an unplatted parcel of land shall be accomplished only in accordance with the procedure set out in the Michigan Land Division Act and the Cambridge Township Land Division Ordinance. A private road, if allowed by variance or otherwise, which serves more than one separately held parcel, or more than one dwelling unit, or more than one commercial or industrial activity shall be constructed to Lenawee County Road Commission standards. No building or occupancy permit shall be issued in such cases until the division has been approved and the owner has first secured approval of the County Health Department for lots intended for building purposes if said lots are not served by public water and sanitary sewer.

SECTION 5.21 -- FUNNELLING

Funnelling, as defined in Section 2.2.57 of this Ordinance shall be permitted subject to the following restrictions:

- ~~A.~~ **5.21.1A** lot or parcel used for funnelling shall comply in size with the requirements of the Cambridge Township Zoning Ordinance for the district in which it is located. (Lake Residential requires one hundred (100) feet lake frontage and one hundred and fifty (150) feet depth minimum.)
- ~~B.~~ **5.21.2A** minimum of twenty-five (25) feet of waterfront frontage shall be provided for each dwelling unit, parcel, or lot, afforded waterfront access.
- ~~C.~~ **5.21.3** Not more than five (5) power craft shall be allowed for each one hundred (100) feet of waterfront approved for funnelling. The limitation applies only to craft powered by engines, and there is no limit on the

number of row boats, dinghies, rubber boats, canoes, or small boats provided they are not powered by engines.

- ~~D.~~ **5.21.4** Funnelling shall not be construed as to apply to members of the immediate family or occasional guests of the riparian property owner.
- ~~E.~~ **5.21.5** Wetlands shall not be utilized to calculate water frontage or the lot area of a common waterfront access site.
- ~~F.~~ **5.21.6** On common waterfront sites with water frontage greater than three hundred (300) feet, vegetative buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.
- ~~G.~~ **5.21.7** Overnight vehicle parking and the usage of camping tents, motor homes, and trailers shall not be permitted within the boundaries of the common waterfront site. No facilities for launching power craft from the common waterfront site shall be permitted.
- ~~H.~~ **5.21.8** The provisions of Section 5.7.5, nonconforming uses of parcels or lots used for funneling at the date of adoption of this amendment (7/12/89) shall be permitted to be used for such purposes in accordance with the provisions of Section 5.7.5.

SECTION 5.22 -- ONE-FAMILY SITE CONDOMINIUM OPTION

The intent of this section is to permit the development of single-family detached dwellings by site planning the layout of individual dwellings, streets and open space. To accomplish development under this option, the following conditions shall apply:

- ~~A~~**5.22.1.** In the one-family residential districts the site planning of individual single-family detached dwellings may be permitted after review of a site plan in accordance with the requirements set forth and regulated in Section 5.6 (Site Plan Review and Approval) of this Ordinance. The Planning Commission in making its review shall find that the following minimum standards are fully met.
 - ~~1.~~ **a.** An area equal to the minimum land area requirements of the district shall be provided for each dwelling unit, including the building site.
 - ~~2.~~ **b.** Setbacks shall be provided for each building site equal to the minimum setback requirements of the district as set forth below:

- a. **1.** Front setback shall be measured from the street right-of-way, or from the similar line of a private street easement, to the front of the building site.
 - b. **2.** Side setback shall be measured from building site to building site and shall be at least equal to the total minimum side yard setback requirement of the district between two (2) single-family dwellings.
 - c. **3.** Rear setback shall be measured from the rear line of the building site to the rear property line or, to the nearest common space area.
3. **c.** All streets shall be built to standards required of all subdivisions as provided in the CAMBRIDGE TOWNSHIP SUBDIVISION CONTROL ORDINANCE.
 4. **d.** All utilities shall be installed pursuant to the requirements set out for subdivisions in the CAMBRIDGE TOWNSHIP SUBDIVISION CONTROL ORDINANCE.
 5. **e.** The condominium subdivision plan shall include all necessary easements for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character for the purpose of providing public utilities, and excavating and refilling ditches and trenches necessary for the location of said structures. All utilities shall be installed in conformity with the requirements of the CAMBRIDGE TOWNSHIP SUBDIVISION CONTROL ORDINANCE.
 6. **f.** Topography and drainage features, including water and storm water run-off across, through and under the property, shall be in conformity with the specifications set out in the CAMBRIDGE TOWNSHIP SUBDIVISION CONTROL ORDINANCE.
 7. **g.** The maximum number of stories and building height restrictions of the district shall be met as shall the minimum floor area requirements of the district. Any detached accessory uses shall comply with the applicable standards of this Ordinance for such uses.

Setbacks required for such uses shall be measured from the outer perimeter of the land area boundaries as required in this section for each individual single-family detached dwelling.

SECTION 5.23 -- MARINA

A Marina, as defined in this Ordinance, shall not be permitted in any Single-Family Residential District. A Marina, as defined in this Ordinance, shall be allowed as conditional use in Commercial Recreation Districts (C-4) and General Commercial Districts (C-2), subject to the following restrictions:

- A. **5.23.1**A lot used for Marina shall comply in size requirements with the requirements of the Cambridge Township Zoning Ordinance for the zoning district in which it is located.
- B. **5.23.2**A lot used for Marina shall have a minimum of one hundred (100) feet of waterfront frontage.
- C. **5.23.3**Not more than five (5) power craft and not more than ten (10) non-power craft shall be launched, docked, moored or stored, daily in season, for each full one hundred (100) feet of waterfront approved for Marina.
- D. **5.23.4**No storage, mooring or dockage of any watercraft shall be permitted except in season. In-season shall be from May 1 to September 30 each year.
- E. **5.23.5**Wetlands or lands subject to utility, maintenance or other easement, shall not be utilized to calculate water frontage or lot area.
- F. **5.23.6**Upon the request of adjacent property owners located within three hundred (300) feet of a Marina, vegetative or other appropriate buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.
- G. **5.23.7**A Marina shall not operate before sunrise nor past sunset.
- H. **5.23.8**Overnight vehicle parking, camping or boat docking or mooring shall not be permitted. Public bathing, swimming, or toilet facilities, restaurants, food preparation or serving, picnicking or retail establishments shall not be permitted.
- I. **5.23.9**In the event petroleum products are to be sold, stored or dispensed, the site shall comply with the requirements for Automobile Service Stations and all environmental and safety regulations mandated by Federal, State and/or Local laws, regulations or ordinances, and such

further conditions as may be imposed by the Township to promote public health, safety and welfare. Petroleum products shall not be sold, stored or dispensed except in season.

- ~~J.~~ **5.23.10** All Federal and State laws, regulations and/or ordinances, including but not limited to MCL 324.30101 et seq., governing the location and operation of Marinas, and any permits required thereunder shall be obtained prior to the operation of a Marina.
- ~~K.~~ **5.23.11** A site plan shall be submitted to and approved the Cambridge Township Planning Commission in accordance with Section 5.6.4.

Section 5.24 – ANIMALS

Unless otherwise provided below or in any other provision of this Ordinance, animals or domestic fowl, with the exception of dogs, cats, canaries or animals commonly classified as household pets, shall not be permitted in any Zoning District, except as follows:

- A. **5.24.1** In Agricultural (AG) and Rural Non-Farm (RNF) Zoning Districts, livestock and animals not customarily classified as household pets may be kept on a parcel of not less than five (5) acres in area, and
- B. **5.24.2** Provided that no animal waste products shall be located within one hundred (100) feet of any residential structure located on any other parcel, and
- C. **5.24.3** The keeping, location and care of livestock and animals not customarily classified as household pets shall comply with Generally Accepted Agricultural Management Practices (GAAMPS) adopted by the State of Michigan.

This Section shall not be construed to nullify any additional or different requirements imposed under this Ordinance to regulate such uses as kennels, feeder lots, riding stables, etc.

ARTICLE VI

ADMINISTRATION OF THE ORDINANCE

Section 6.1 -- PURPOSE

It is the purpose of this Article to provide the procedures for the administration of this 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 6.2 -- ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Inspector or by such deputies of his department as the Township Board may designate to enforce the provisions of this Ordinance.

SECTION 6.3 -- DUTIES OF ZONING INSPECTOR

The Zoning Inspector shall have the power to grant Zoning Compliance Permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Inspector vary or change any terms of this Ordinance.

If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

The Zoning Inspector shall submit to the Planning Commission and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Zoning Inspector shall maintain a record of all Zoning Compliance Permits and Certificates of Occupancy.

SECTION 6.4 -- ZONING COMPLIANCE PERMITS

6.4.1 Issuance of Zoning Compliance Permits:

No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a Zoning Compliance Permit having been obtained from the Zoning Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Inspector.

The Zoning Inspector shall require that all applications for Zoning Compliance Permits shall be accompanied by plans and specifications including a plot plan in duplicate drawn to scale, showing the following information:

- a. The actual dimensions and shape of the lot to be built upon; and,
- b. The exact size and location of existing structures on the lot, if any; and,
- c. The location and dimensions of the proposed structure or alteration.

One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue the applicant a Zoning Compliance Permit within ten (10) days of the filing thereof. Where action of the **Zoning** Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

6.4.2 Voiding of Zoning Compliance Permit

Any Zoning Compliance Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all Ordinances in effect at the time of renewal.

SECTION 6.5 -- CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

6.5.1 Issuance of Certificate of Occupancy

No building or structure, or part thereof, shall be occupied by or for any use for which a Zoning Compliance Permit is required by this Ordinance unless and until a Certificate of Occupancy shall have been issued for such use. The holder of a Zoning Compliance Permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Building Inspector immediately upon the completion of the work authorized by the Zoning Compliance Permit for a final inspection.

A Certificate of Occupancy shall be issued by the Zoning Inspector within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

6.5.2 Voiding of Certificate of Occupancy:

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Zoning Inspector to be in violation of this Ordinance. The Zoning Inspector upon finding such violation shall immediately notify the Township Board of said violation and void the Certificate of Occupancy.

SECTION 6.6 -- FEES, CHARGES AND EXPENSES

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for Zoning Compliance Permits, Certificates of Occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the **Zoning** Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.7 -- VIOLATIONS AND PENALTIES: NUISANCE PER SE: ABATEMENT

Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order

such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

ARTICLE VII

ZONING BOARD OF APPEALS

SECTION 7.1 – ZONING BOARD OF APPEALS ESTABLISHED

There is hereby established a **Zoning** Board of Appeals, which shall perform its duties and exercise its powers as provided in *the Zoning Act* ~~184 of the Public Acts of 1943, as amended,~~ in such a way that the objectives *spirit* of this Ordinance shall be observed, the public health and safety secured, *general welfare assured*, and substantial justice done.

SECTION 7.2 -- DUTIES OF THE ZONING BOARD OF APPEALS

The **Zoning** Board of Appeals shall hear and decide only such matters as the **Zoning** Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The **Zoning** Board of Appeals shall not have the power to alter or change the zoning districts classification of any property; nor to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance. In addition, the **Zoning** Board of Appeals shall hear and decide any appeals from the Township Board on any application for a Conditional Use Permit.

SECTION 7.3 -- VARIANCE

The **Zoning** Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, ~~or exceptional undue hardship upon~~ the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a Conditional Use Permit is required.

A variance from the terms of this Ordinance shall not be granted by the **Zoning** Board of Appeals unless and until:

- A. **7.3.1A** written application for a variance is submitted, demonstrating *practical difficulty by showing* the following:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are

not applicable to other lands, structures, or buildings in the same district.

2. *b.* That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. *c.* That the special conditions and circumstances do not result from the actions of the applicant.
4. *d.* That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
5. *e.* That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

~~B.~~ **7.3.2**The *Zoning* Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.

~~C.~~ **7.3.3**The *Zoning* Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

~~D.~~ **7.3.4**The *Zoning* Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, ~~and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare~~ **so that public health and safety are secured, general welfare is assured, and substantial justice is done.**

~~E.~~ **7.3.5**In granting any variance, the *Zoning* Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

~~F.~~ **7.3.6**Each variance granted under the provisions of this Ordinance shall become null and void unless:

1. *a.* The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or

- 2. *b.* The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- 6. **7.3.7** No application for a variance which has been denied wholly or in part by the **Zoning** Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the **Zoning** Board of Appeals to be valid.

SECTION 7.4 -- INTERPRETATION OF ZONING ORDINANCE

The **Zoning** Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 7.5 -- APPEALS TO THE **ZONING** BOARD OF APPEALS

7.5.1 Appeals, How Taken:

Appeal from the ruling of the Zoning Inspector, *the Planning Commission*, or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the **Zoning** Board of Appeals within such time as shall be prescribed by the **Zoning** Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the **Zoning** Board of Appeals all the papers constituting the record upon which the action appealed was taken.

7.5.2 Who May Appeal:

Appeals to the **Zoning** Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.

7.5.3 Fee for Appeal:

A fee prescribed by the Township Board shall be paid to the **Zoning** Board of Appeals at the time of filing the notice of appeal which the **Zoning** Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of Cambridge Township.

7.5.4 Effect of Appeal; Restraining Order:

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the **Zoning** Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate; a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by restraining order which may be granted by the **Zoning** Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

7.5.5 Notice of Hearing:

When a request for an appeal has been filed in proper form with the **Zoning** Board of Appeals, the **Zoning** Board of Appeal's Secretary or Cambridge Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, ~~stating the time, place, and object of the hearing to be served personally or by First Class Mail within a reasonable time, considering all the circumstances, prior to the date of such hearing, upon the party or parties making the request for the appeal.~~ *to be given according to the following:*

- a. *The notices shall be given not less than fifteen (15) days before the date of the hearing on an appeal.*
 1. *Notices shall be sent to:*
 - a. *The individual demanding the appeal.*
 - b. *The owner or other owners) of the property, if different.*
 - c. *The owners of all real property within three hundred (300) feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the zoning jurisdiction or not.*
 - d. *Occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been*

requested, regardless of whether the owner and property is located in the zoning jurisdiction or not.

e. The general public by publication in a newspaper which circulates in Cambridge Township.

f. Members of the Zoning Board of Appeals.

2. The notice shall include:

a. The nature of the appeal being requested.

b. The property(ies) for which the appeal or variance has been made.

c. A listing of all existing street addresses within the property(ies) which is(are) subject of the appeal. Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, another means of identification may be used.

d. The location where the demand for appeal can be viewed and copied prior to the date of the zoning amendment hearing.

e. The date, time and location of when the hearing before the Zoning Board of Appeals will take place.

f. The address at which written comments should be directed prior to the hearing.

g. For members of the Zoning Board of Appeals only, a copy of the demand for appeal, the entire record on the case, the staff report, and supporting documents in the record.

7.5.6 Representation at Hearing:

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

7.5.7

Decisions of the **Zoning** Board of Appeals and Appeals to the Circuit Court:

The **Zoning** Board of Appeals shall decide upon all matters within a reasonable time. ~~and may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector or Township Board from whom the appeal is taken.~~ The Board of Appeal's decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. ~~Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.~~ ***If the demand for appeal is for a variance, the Zoning Board of Appeals shall grant, grant with conditions, or deny the application. The Zoning Board Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the Zoning Board of Appeals is necessary to grant a variance and rule on an interpretation of the Ordinance. The decision shall be in writing and reflect the reasons for the decision.***

- a. ***At a minimum, the record of the decision shall include:***
 1. ***Formal determination of the facts,***
 2. ***The conclusions derived from the facts(reasons for the decision),***
 3. ***The decision.***
- b. ***Within eight (8) days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator, and other parties.***
- c. ***Any person aggrieved by such decision shall have a right to appeal to the Circuit Court within thirty (30) days of the certified decision of the Zoning Board of Appeals, as provided by law.***

ARTICLE VIII

PUBLIC NOTICE

SECTION 8.1 - - PUBLIC NOTIFICATION

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, P.A. 110 of 2006 and the other provisions of this Section with regard to public notification.

8.1.1 Responsibility:

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Cambridge Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Cambridge Township and mailed or delivered as provided in this Section.

8.1.2 Content:

All mail, personal and newspaper notices for public hearings shall:

- a. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.*
- b. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.*
- c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).*
- d. Written comments: Include a statement describing when and where written comments will be received concerning the request.*

Include a statement that the public may appear at the public hearing in person or by counsel.

8.1.3 Personal and Mailed Notice

- a. General:** *When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:*
- 1.** *The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.*
 - 2.** *Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Cambridge Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (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 individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.*
 - 3.** *All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 8.2, Registration to Receive Notice By Mail.*
 - 4.** *Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.*
- b. Notice by mail/affidavit:** *Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed,*

postage paid. The Cambridge Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

8.1.4 Timing of Notice

Unless otherwise provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

- a. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.*
- b. For any other public hearing required by this Ordinance: not less than five (5) days before said hearing.*

SECTION 8.2 - - REGISTRATION TO RECEIVE NOTICE BY MAIL

8.2.1 General

Any neighborhood organization, public utility company, railroad or any other person may register with the Cambridge Township Clerk to receive written notice of all applications for development approval pursuant to Section 8.1.3, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Cambridge Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board.

8.2.2 Requirements

The requesting party must provide the Cambridge Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

~~ARTICLE VIII~~

ARTICLE IX

AMENDMENT PROCEDURES

SECTION ~~89.1~~ -- INITIATING AMENDMENTS AND FEES

The Township Board may, from time to time, on recommendation from the Planning Commission or on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established ~~whenever the public necessity and convenience and the general welfare require such amendments~~ **so that public health and safety are secured, general welfare is assured, and substantial justice is done.** Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

SECTION ~~89.2~~ -- AMENDMENT PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with ~~Act 184 of the Public Acts of 1943, as amended for townships~~ **the Zoning Act.**

SECTION ~~89.3~~ -- CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

~~ARTICLE IX~~
ARTICLE X

LEGAL STATUS

SECTION **910.1** -- CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

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 **910.2**. -- VALIDITY AND SEVERABILITY CLAUSE

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 included in said ruling. In any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, 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 **910.3** -- PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION **910.4** -- REPEAL OF ORDINANCE

The "Zoning Ordinance of Cambridge Township, Lenawee County, Michigan" adopted on _____, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION **910.5** -- EFFECTIVE DATE

This Ordinance was adopted by the Township Board of Cambridge Township, Lenawee County, Michigan, at a meeting held on _____, and notice ordered published in _____, a newspaper having general circulation in said Cambridge Township.

Date: As Amended ____/____/____ Supervisor

Date: Clerk

ORDINANCE 88 - 1

An Ordinance to provide for a definition of "Bed and Breakfast Facility"; and for licensing, inspection and regulation of Bed and Breakfast Facilities, including requirements for obtaining and renewal of a license and providing for original licenses, renewal and revocation thereof.

SECTION 1 -- DEFINITIONS

A dwelling unit in which the principal use is that of a single-family dwelling which contains, as a subordinate use, rooms in which transient guests are lodged and boarded in return for payment.

SECTION 2 -- LICENSE

No person, group, organization, corporation or other entity shall operate a Bed and Breakfast Facility within Cambridge Township without first obtaining a license to be issued by the Township Clerk upon a form to be approved by the Township Board. Such license shall be displayed in a conspicuous place upon the premises of the Bed and Breakfast Facility.

SECTION 3 -- LICENSE REQUIREMENTS

Prior to issuance of a license, an applicant shall demonstrate that all of the following requirements have been met:

- A. The structure to be used as a Bed and Breakfast Facility shall have been constructed and in use as a residence at least seventy-five (75) years prior to the date of application. The burden of establishing the age of the structure shall be on the applicant.
 1. In the event of a structure which has in the past been partially destroyed through natural disaster, and which has been partially reconstructed during the seventy-five (75) year period immediately preceding the application, the structure shall qualify hereunder if the reconstructed portion of the premises does not exceed fifty (50%) percent of the total floor area of the living quarters (excluding unimproved basements and attics) as those dimensions exist on the date of the application.
- B. The structure shall have at least two (2) exit doors from the premises to the outdoors and such exit doors shall be located on different walls of the premises.

- C. Rooms utilized as sleeping rooms shall have a minimum of one hundred (100) square feet for two (2) occupants and an additional thirty (30) square feet per each additional occupant. There shall be no more than four (4) occupants per sleeping room.
- D. The structure utilized for a Bed and Breakfast Facility shall be the principal residence operator/owner and said operator/owner shall live and be in residence on the premises when the Bed and Breakfast services are being provided the public.
- E. The structure shall remain a residential structure for all purposes and appearances (i.e., the kitchen shall not be remodeled into a commercial kitchen).
- F. A continental breakfast only (coffee, juice and commercially prepared sweet rolls) shall be served or provided to overnight guests and patrons of the establishment. Notwithstanding the foregoing, an establishment with ten (10) or fewer sleeping rooms (including owner and family rooms) may serve a full breakfast at no additional cost to registered guests of the establishment. No food service whatsoever shall be provided to any person other than a resident or overnight guest or patron.
- G. The operator shall maintain a register of the names and addresses of all residents, guests and patrons of the Bed and Breakfast Facility and shall keep such register available for inspection by persons designed by the Township Board.
- H. The maximum length of stay of any guest or patron the Bed and Breakfast establishment shall be fourteen (14) consecutive days.
- I. There shall be no separate cooking facilities for residential use and Bed and Breakfast Facility use.
- J. Site illumination shall be kept to a safe minimum and shall be approved by the Township Ordinance Enforcement Officer.
- K. Each sleeping room and each hall area shall be equipped with a working smoke detector the design and placement of which has received approval of the Fire Chief of the Cambridge Township Fire Department. In addition, each Bed and Breakfast Facility shall be equipped with an emergency lighting system reasonably calculated to illuminate the anticipated pathway from sleeping areas in the event of an emergency exit. The placement and design of such emergency lighting system shall also be subject to prior approval of the Fire Chief of the Cambridge Township Fire Department.

- L. There shall be available two (2) off-street parking spaces, plus one (1) additional off-street parking space per room available for occupancy.
- M. Any sign erected on the premises shall conform to the requirements of the Cambridge Township Zoning Ordinance and/or any State or Federal statutes or regulations governing size and placement of signs.

SECTION 4 -- TERM AND RENEWAL

A license granted hereunder shall be non-transferable and shall be effective for a period of one (1) year. Thereafter, a non-transferable renewal license may be granted upon the same terms and conditions then in effect for an original license hereunder.

SECTION 5 -- FEES

Applicants for an original or renewal license hereunder shall pay the fee therefor as established by the Township Board.

SECTION 6 -- INSPECTION

A Bed and Breakfast Facility shall be available at all times for inspection by any agent of the Township appointed by the Township Board to perform such license inspection.

SECTION 7 -- REVOCATION

Any license issued hereunder shall be subject to immediate revocation upon violation of any of the terms or conditions of this Ordinance, or upon violation of any other Cambridge Township Ordinance, or any State or Federal law or regulation. Within fourteen (14) days of written notification of such revocation of license, the licensee shall have the right to apply for a full hearing before the Cambridge Township Board.

SECTION 8 -- SEVERABILITY

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, or provisions of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 9 -- EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication.

Rohrbach moved for adoption of the foregoing Ordinance which was supported by Roesch.

AYES: 5

BOARD MEMBERS: Johncox, Rohrbach, Smale, Garrison, and Roesch.

NAYS: 0

ABSENT: 0

AN ORDINANCE PERTAINING TO CONDOMINIUMS

CONDOMINIUM

SECTION 1 -- PURPOSE

A. The purpose of these regulations is to provide for orderly growth and development of the Township of Cambridge, to assure the comfort, safety, health and welfare of the people, to protect the natural environment and to provide for orderly conversion of existing uses to condominium developments.

1. In approving condominium developments, the Planning ~~Board~~ **Commission** (hereafter called the "~~Board~~**Commission**") shall consider the following criteria and before granting approval shall determine that the proposed condominium development:
 - a. Will not result in undue water or air pollution. In making this determination, it shall at least consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoil and their ability to adequately support waste disposal; the slope of the land; its effect of effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;
 - b. Has sufficient water available for the reasonably foreseeable needs of the development;
 - c. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
 - d. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
 - e. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
 - f. Will provide for adequate sewage waste disposal;
 - g. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

- h. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas;
- i. Is in conformance with this Condominium Ordinance, comprehensive plan, development plan, or land use plan, if any;
- j. The developer has adequate financial and technical capacity to meet the above-stated standards; and
- k. Whenever situated, in whole or in part, within two hundred fifty (250) feet of any pond, lake, or river; will not adversely affect the quality of such body of water, or unreasonably affect the shore line of such body of water.

B. Validity of Severability

- 1. If any provision of this chapter is declared invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to that provision of this chapter directly involved in the controversy which gave rise to the judgment and shall not affect or impair the validity of any other provision of this chapter.

SECTION 2 -- DEFINITIONS

"Association" or "Unit owners' association". The unit owners' association.

"Common elements". All portions of a condominium other than the units.

"Common expenses". Expenditures made or liabilities incurred by or on behalf of the association, together with any allocations to reserves.

"Condominium" or "Condominium development". Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration. Real estate is not a condominium unless the undivided interest in the common elements are vested in the unit owners.

"Conversion condominium". A condominium containing any building that at any time before the recording of the declaration, was occupied wholly or partially by persons other than purchasers and persons who occupy with the consent of the purchasers.

"Date of Submission". The date of the first scheduled Planning ~~Board~~ **Commission** meeting occurring at least ten (10) days after the plans are received in the office of the Planning Division.

"Declarant":

1. If the condominium has been created, any person who has executed a declaration, or an amendment to a declaration to add additional real estate, other than persons holding interests in the real estate solely as security for an obligation, persons whose interests in the real estate will not be conveyed to unit owners, or, in the case of leasehold condominium, a lessor who possesses no special declarant rights and who is not an affiliate of a declarant who possesses special declarant rights;
2. If the condominium has not yet been created, any person who offers to dispose or disposes of his interest in a unit not previously disposed of;
3. If a declaration is executed by a trustee or trustees of a real estate trust, "declarant" means the beneficiary or beneficiaries of the trust.

"Developer". Any person, corporation, municipality, or other governmental agency or authority engaged in any facet of changing, expanding, or starting a land use activity.

"Easement". An authorization, filed in the Lenawee County Register of Deeds, for a particular use or non-use of land or structure for a specified purpose.

"Executive board". The body, regardless of name, designated in the declaration to act on behalf of the association.

"Final plan". The final drawings on which a developer's plan of subdivision is presented to the ~~Board~~ **Commission** for approval and which, if approved, must be recorded at the Lenawee County Register of Deeds. This final plan shall include the plat, building plans, declaration, and public offering statement.

"Limited common element". A portion of the common elements allocated by the declaration for the exclusive use of one or more but fewer than all of the units.

"Open space". Land dedicated, by easement, covenant, or conveyance to being permanently free of buildings or permanent structures.

"Performance guarantee". A cash or other bond satisfactory to the ~~Board~~**Commission** to ensure the carrying out of every duty, act, requirement, or condition, the performance of which was the basis for condominium approval or the right to convey units. Failure to provide a performance guarantee when required revokes approval which may have previously been obtained.

"Person". A natural person, corporation, partnership, association, trust, other entity, or any combination thereof.

"Preliminary condominium plan". Preliminary drawings, indicating the proposed condominium development, to be submitted to the Planning ~~Board~~**Commission** for review and preliminary approval. The preliminary plan shall include the plat and building plans.

"Purchaser". Any person, other than a declarant, who by means of a voluntary transfer acquires a legal or equitable interest in a unit, other than

1. A leasehold interest (including renewal options) of less than five (5) years, or
2. As security for an obligation.

"Real Estate". Any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interest which by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water.

"Unit". A portion of the condominium designated for separate ownership.

"Unit owner". A declarant who owns a unit, person to whom ownership has been conveyed, or a lessee of a unit in a leasehold condominium whose lease expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person having an interest in a unit solely as security for an obligation. (If title to a unit is held in a land trust, "unit owner" means the beneficiary of the trust.)

SECTION 3 -- ADMINISTRATION AND ENFORCEMENT

- A. Any person, firm, corporation or other legal entity who sells, leases, or conveys for consideration, offers or agrees to sell, lease or convey for consideration any units in a condominium development which have not

been approved as required by this Ordinance shall be punished by a fine of not more than five thousand (\$5,000) dollars for each such sale, lease, or conveyance for consideration, offering, or agreement. The Township Attorney or Planning ~~Board~~**Commission** may institute proceedings to enjoin the violation of this section and if a violation is found by the Court, the Township of Cambridge, ~~its~~**sits** Planning ~~Board~~**Commission**, or the appropriate municipal officers may be allowed attorney fees.

- B. The ~~Board~~**Commission** may modify any of these regulations where their strict application would not provide for the proper development of a particular condominium, provided that any such modification shall comply with the purpose of these regulations.
- C. The Planning ~~Board~~**Commission** may ~~determine to~~ hold a public hearing on a proposed condominium. If the ~~Board~~ **Commission** determines to hold a hearing it shall be held within thirty (30) days of the date of submission. ~~The Board shall cause notice of the date, time, and place of such hearing to be published in the local newspaper at least twice, the date of the first publication to be at least seven (7) days prior to the meeting.~~ **Notice of the public hearing will be given in accordance with Article VIII of the Zoning Ordinance of Cambridge Township.**
- ~~D. Condominium developments which are reviewed and approved under this Ordinance are not subject to review.~~

SECTION 4 -- GENERAL REQUIREMENTS

- A. Easements.
 - 1. Lake residential condominiums shall provide access to abutting navigable water bodies by easement for adequate lake area and access thereto to be used in common by all residents and owners within the condominium development. These lake access easements by deed restriction only.
 - 2. Where a condominium development is traversed by a natural water course, drainage way, channel, or stream, the developer shall provide to the Township a storm water easement which may be utilized for both surface and subsurface drainage, municipal water, sewer, and underground street lighting facilities, conforming substantially with the lines of such water course, and be of such width as will assure adequate storm run-off. Such easement shall not be less than thirty (30) feet wide.

B. Assurance for Completion of Requirements.

To ensure proper development of all condominium projects requiring public improvements, developers are required to either post a performance guarantee or complete the public improvements as described below:

1. Completion Requirement.

Before the final plat is signed by the chairman of the Planning ~~Board~~**Commission**, applicants shall complete the street, sanitary sewer, storm drainage, and water improvements required by Township Ordinances, plat specifications, and special conditions of final plat approval. Conformance with this completion requirement shall be indicated by issuance of a Certificate of Completion by the Township Building Department. No building permits can be issued until the plat is signed and registered.

2. Performance Guarantee.

The Planning ~~Board~~**Commission** may waive the above completion requirement for a portion or portions of a condominium development for which the developer posts a performance guarantee. Only those portions of the condominium development covered by the performance guarantee can be developed. The plat shall clearly indicate those portions of the condominium development covered by the performance guarantee prior to being signed by the chairman.

The developer shall file said performance guarantee at the time of submission of final plans. This guarantee may be tendered in the form of a certified check payable to the Township or a faithful performance bond running to the Township and issued by a surety company acceptable to the Township. A period of not more than three (3) years shall be set forth in the bond time within which the required improvements must be completed. The ~~Board~~**Commission** may, however, extend the bond time when unusual circumstances warrant such action. Any such performance guarantee shall be satisfactory to the Township as to amount of coverage and to the Township Attorney as to form and manner of execution and surety. The conditions of the performance guarantee shall run or continue to apply to the developer's successors, heirs, or assigns. The guarantee shall cover at least the total cost of required street construction, sanitary sewer, and storm drainage extensions. The ~~Board~~**Commission** may permit a condominium development to be developed in phases and may accept a performance guarantee for one (1) or more phases. Before a

developer may be released from any obligation required by this performance guarantee, the ~~Board~~**Commission** shall require the Township Building Department to issue a Certificate of Completion.

3. Certificate of Completion.

Before a developer is released from any obligation to construct the required improvements according to either of the above processes, the ~~Board~~**Commission** shall require the Township Building Department to issue a Certificate of Completion certifying that all conditions of approval relating to public improvements have been satisfactorily completed as required.

C. Amendment to Approved Plan.

Any amendment to an approved plan which relocates a street and/or, in the opinion of the Planning Office, significantly alters the plat or plan must be approved by the ~~Board~~**Commission**.

D. Post-Development Plans.

The developer shall provide the Township Building Department with all finish-grading plans and all as-built utility plans prior to the developer's release from any obligation required by his performance guarantee.

E. Relationship to Flood Plains.

All condominium developments shall be evaluated to determine whether the development will be reasonably safe from flooding. All lots shall have, at a minimum, sufficient building area above the base flood elevation to permit construction with the lowest floor, including basement to be elevated to or above the base flood level.

Condominium developments shall be designed and developed to preserve the flood carrying capacity of affected water courses to the maximum extent feasible and to ensure that adequate drainage is provided to reduce the exposure to flood hazards. All public or private utilities and facilities such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damages.

SECTION 5 -- PROCEDURE FOR APPROVAL

A. Preliminary Plan Approval.

1. The developer shall submit a preliminary plan at least ~~ten (10)~~ **thirty (30)** working days prior to the scheduled ~~Board~~**Commission** meeting at which the condominium proposal is to be reviewed. The preliminary plan shall consist of a plat and building plans.
2. **Plat submission. The plat shall be submitted in duplicate to the ~~Board~~Commission. The plat shall be at a scale of forty (40) feet or less to the inch. In addition to the requirements, the plat shall include:**
 - a. **The location and size of any existing or proposed sewers, water mains, culverts, drains, and other underground structures, if applicable;**
 - b. **Existing and proposed streets and names, the profile of each proposed street with tentative grades indicated, if applicable;**
 - c. **Satisfactory evidence of a safe and dependable water supply, if no connection to the municipal system is proposed;**
 - d. **Areas to be reserved for open space; and**
 - e. **All condominium proposals shall include base flood elevation data.**
3. **Building Plan Submission.**

The building plan shall be submitted in duplicate to the Commission. It shall be drawn at an appropriate scale.
4. The developer, or his authorized representative, shall attend the ~~Board~~**Commission** meeting at which the preliminary plan is to be reviewed.
5. The ~~Board~~**Commission** shall, within thirty (30) days from the date of submission, or within thirty (30) days of a public hearing if one is held, unless the developer agrees in writing to an extension of this period, issue an order denying or granting approval of the preliminary plan or granting approval upon such terms and conditions as it may deem necessary to ensure that the condominium development complies with the standards of this Ordinance. Approval of the preliminary plan does not constitute approval of the condominium development.

6. The ~~Board~~**Commission** shall, within thirty (30) days from the date of submission, or within thirty (30) days of a public hearing if one is held, unless the developer agrees in writing to an extension of this period, state in writing any changes *or conditions* which it will require in the final plan *along with its findings and conclusions which form the basis for the decision and any changes or conditions imposed*. A copy of such statement shall be delivered to the developer.

B. Final Plan Approval.

1. Within twelve (12) months after approval of the preliminary plan, the developer shall submit a final plan at least ~~ten (10)~~ **thirty (30)** days prior to the scheduled ~~Board~~**Commission** meeting at which the condominium development will be reviewed. The final plan shall consist of the plat, building plan, declaration, and public offering statement.
2. The developer, or his authorized representative, shall attend the ~~Board~~**Commission** meeting at which the final plan is reviewed.
3. The ~~Board~~**Commission** shall request the Lenawee County Road Commission to report to the ~~Board~~**Commission** with respect to street grades, street drainage, water service, underground street lighting facilities, and sewerage of the condominium development, if applicable.
4. The ~~Board~~**Commission** shall request the Building Department and Township Attorney to report to the ~~Board~~**Commission** as to the amount of coverage for the performance guarantee for public improvements, and subsequent to that report, the ~~Board~~**Commission** shall inform, in writing, the developer of the required performance guarantee. Prior to approval, the Board shall request the Township Attorney to report to the Board as to form and manner of execution and surety of the performance guarantee.
5. The ~~Board~~ **Commission** shall, within thirty (30) days from the date of *final* submission, or within thirty (30) days of a public hearing, if one is held, unless the developer agrees in writing to an extension of this period, issue an order *granting approval, denying approval, or granting approval with conditions as it deems necessary to ensure that the condominium development complies with the standards of this Ordinance, such that public health and safety are secured, the general welfare is assured, and*

substantial justice is done. Such order shall include a written statement of findings and conclusions relative to the final plan which specifies the basis for the decision and any conditions that may apply.

6. Submission.

- a. The final plat shall be drawn in ink on stable drafting medium at a scale of forty (40) feet or less to the inch. Topography, street cross sections, utilities, and existing structures, if applicable, may be shown on paper on accompanying sheets at an appropriate scale. Sheets shall not exceed twenty (20) inches by thirty (30) inches, and if more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire development. The original, a sepia, and three (3) prints shall be submitted to the ~~Board~~**Commission**. Endorsement of the original by the ~~Board~~**Commission** chairman shall constitute approval, whereupon the original shall be recorded in the Lenawee County Register of Deeds by the ~~Planning Division~~ **Developer**.

- C. *An appeal from a decision of the Planning Commission regarding a preliminary or a final site plan to the Zoning Board of Appeals shall be in accordance with Section 7.5 of The Zoning Ordinance of Cambridge Township.***

SECTION 6--CREATION OF A CONDOMINIUM

A. Creation.

A condominium may be created only by approval of the final plan by the Planning ~~Board~~**Commission**, and recording of the final plan in the Lenawee County Register of Deeds by all persons whose interest in the real estate will be conveyed to the unit owners.

B. Conveyance of Units.

No interest in a unit may be conveyed except as security for an obligation until:

1. The unit is substantially completed as evidenced by a certificate of substantial completion executed by State certified engineer or architect; and
2. A Certificate of Occupancy is issued for the unit by the Township Building Department; and
3. The developer files a performance guarantee in the form of a certified check -- check payable to the Township or a faithful performance bond running to the Township and issued by a surety company acceptable to the Township. The bond time shall be set by the Planning ~~Board~~**Commission** and shall conform to the expected completion period of the condominium project. The ~~Board~~**Commission** may, however, extend the bond time when unusual circumstances warrant such action. Before the developer may be released from any obligation, the ~~Board~~**Commission** shall require a Certificate of Completion issued by the Township Building Department.

SECTION 7 -- DECLARATION

- A. Allocation of common element interests, limited common element interests, votes, and common expense liabilities.
 1. Unless otherwise specified in the declaration, common expense liabilities shall be held to be computed on the assessed value of the unit in relation to the assessed value of all units having an interest in the common areas and facilities, as determined by the Cambridge Township Assessment;
 2. The number of votes in the association shall be proportionate to that unit's common expense liability.
 3. Limited common elements may be allocated to the exclusive use of one or more units. Expense liabilities associated with limited common elements shall be apportioned to the units to which the limited common elements are allocated.
- B. Unit Boundaries. Except as provided by the declaration:
 1. If walls, floors, or ceilings are designated as boundaries of a unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials

constituting any part of the finished surfaces thereof are a part of the unit, and all other portions of the walls, floors, or ceilings are a part of the common elements.

2. If any chute, flue, duct, wire, conduit, bearing wall, bearing column, or any other fixture lies partially within and partially outside the designated boundaries of a unit, any portion thereof serving only that unit is a limited common element allocated solely to that unit, and any portion thereof serving more than one unit or any portion of the common elements is a part of the common elements.
3. Subject to the provisions of paragraph (2), all spaces, interior partitions, and other fixtures and improvements within the boundaries of a unit are a part of the unit.
4. Any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, and all exterior doors and windows or other fixtures designed to serve a single unit, but located outside the unit's boundaries, are limited common elements allocated exclusively to that unit.

C. Plats. Each plat must show:

1. The name, location, and dimensions of the condominium;
2. The location and dimensions of all existing improvements;
3. The intended location and dimensions of any contemplated improvement to be constructed anywhere within the condominium labeled either "MUST BE BUILT" or "NEED NOT BE BUILT";
4. The extent of any encroachments by or upon any portion of the condominium;
5. To the extent feasible, the location and dimensions of all easements serving, or burdening any portion of the condominium;
6. The location and dimensions of any vertical unit boundaries not shown or projected on plans and that unit's identifying number;
7. The location with reference to established datum of any horizontal unit boundaries not shown or projected on plans and that unit's identifying number;

8. The distance between non-contiguous parcels of real estate comprising the condominium;
9. The location and dimensions of limited common elements including porches, balconies, and patios, other than parking spaces and the other limited common elements;
10. All other matters customarily shown on land surveys.

E. Plans.

Plans of every building that contains or comprises all or part of any unit and is located or must be built within any portion of the condominium must show:

1. The location and dimensions of the vertical boundaries of each unit, to the extent those boundaries lie within or coincide with the boundaries of the building in which the unit is located, and that unit's identifying number;
2. Any horizontal unit boundaries, with reference to established datum, not shown on plats and that unit's identifying number; and
3. Any units that may be converted by the declarant to create additional units or common elements.

F. Alteration of Units.

Subject to the provisions of the declaration and other provisions of law, a unit owner:

1. May make any improvements or alterations to his unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium.
2. Must follow Township Building requirements prior to construction of any structural change.

G. Relocation of Boundaries Between Adjoining Units.

1. Subject to the provisions of the declaration and other provisions pertaining to conditional use permit and any other Township Ordinance regulations.

H. Separate Titles and Taxation.

1. Except as provided in subsection (2), each unit together with its common element interest constitutes for all purposes a separate parcel of real estate.
2. If there is a unit owner other than a declarant, each unit together with its common element interest shall be separately taxed and assessed; otherwise, the real estate comprising the condominium may be taxed and assessed in any manner provided by law.

SECTION 8 -- MANAGEMENT OF THE CONDOMINIUM

A. Upkeep of the Condominium.

1. Except to the extent provided by the declaration, the association is responsible for maintenance, repair, and replacement of the common elements, and each unit owner is responsible for maintenance, repair, and replacement of his unit. Each unit owner shall afford to the association and the other unit owners, and to their agents or employees, access through his unit reasonably necessary for those purposes. If damage is inflicted on the common elements or any unit through which access is taken, the unit owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair thereof.
2. If any unit in a condominium all of whose units are restricted to nonresidential use is damaged, and the exterior appearance of the unit is thereby affected, the person responsible for the exterior of the unit shall cause the unit to be repaired or rebuilt to the extent necessary to restore its exterior appearance. If that person fails within a reasonable period of time to effect the repairs or rebuilding, the association may purchase the unit at its fair market value to be determined by an independent appraiser selected by the association.

SECTION 9 -- RESIDENTIAL CONDOMINIUM CONVERSIONS,
COMMUNITY APARTMENT OR COOPERATIVE PROJECTS

A. Purpose.

1. The purpose of this division is to establish standards, criteria, regulations, and definitions to the requirements relating to subdivisions as follows:
 - a. To ensure that residential rental units being converted to condominiums, community apartment, or stock cooperative projects meet reasonable physical standards as required by this Ordinance and building codes of the Township in effect at the time of conversion.
 - b. To help mitigate the impact of eviction for residents of rental units being converted to condominiums, community apartment, or stock cooperative projects.
 - c. To promote the concept of home ownership and to bring a greater amount of owner-occupied housing on the market affordable by all economic segments of the community, thus encouraging participation in the various economic and social benefits associated with home ownership.

SECTION 10 -- CONDITIONAL USE PERMITS REQUIRED

- A. No tentative tract or parcel map for a residential condominium conversion, community apartment or a stock cooperative project shall be approved or conditionally approved unless the subdivider secures a Conditional Use Permit for such project. No Conditional Use Permit shall be issued pursuant to this division for any building for which a Certificate of Occupancy was issued less than two (2) years prior to the date of application for such Conditional Use Permit.

SECTION 11 -- APPLICATION FOR CONDITIONAL USE PERMIT

- A. The application for a Conditional Use Permit for a residential condominium conversion, community apartment, or a stock cooperative project shall include the following information in copies which are necessary for the Planning Department to evaluate the project:
1. A property report describing the condition and estimating the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: foundations, exterior walls, fire walls, roof, stairways and exits, interior insulation (sound and thermal), exterior insulation (sound and thermal), light and ventilation, plumbing, electrical, heating

and air conditioning, fire and security provisions, interior common or public areas, landscaping, and trash control. Such report shall be prepared by an appropriately licensed civil engineer or an architect registered in the State, and shall contain recommendations for the correction or improvement of any deficiencies noted.

2. Tenant and rental information which shall consist of the present rate for each apartment, the length of the lease, the expiration date of the lease, the estimated price range of converted units, the name and address of each present tenant of the project, and the identification of the vacant units.
3. Schedule of proposed improvements which may be made to the project prior to their sale.
4. A plot plan of the project including the location and sizes of structures, parking layout and access areas.
5. Such other information which the Planning ~~Board~~*Commission* and Building Department determines is necessary to evaluate the project.

SECTION 12 -- INSPECTIONS

- A. Upon receipt of the application for a Conditional Use Permit to construct or convert and the application for a subdivision:
 1. The Planning Commission shall submit copies of applicable reports, maps and documents to the Building Department, Fire Department, and other departments as found necessary;
 2. The Building Inspector shall review the property report submitted by the subdivider and may require its revision or resubmitting if it is found to be inadequate in providing the required information;
 3. The Building Inspector shall also cause an inspection to be made of all buildings and structures in the existing development and shall prepare an inspection report identifying all items to be found to be in violation of the Township's current building requirements, or items found to be hazardous; and
 4. The Fire Chief shall cause an inspection to be made of said project to determine the sufficiency of fire protection systems serving the project and report on any deficiencies and indicate which deficiencies are required to be corrected by law.

5. All of the reports required or referred to in this section shall be prepared in time for submission to the Township Planning ~~Board~~**Commission** for their review and consideration at the public hearing to be held on the application for a Conditional Use Permit. *Notice of the public hearing shall be given in accordance to Article VIII of The Zoning Ordinance of Cambridge Township.*

SECTION 13 -- CORRECTION OF DEFICIENCIES

- A. The subdivider shall:
 1. Correct all violations of the Building and Housing Code and repair or replace any fixtures, appliances, equipment, facilities, and structural appurtenances determined to be deteriorated or hazardous;
 2. Correct any deficiencies in the fire protection system as required by law; and
 3. Repair or replace any damaged or infested areas in need of repair or replacement as shown in a structural pest control report, to be prepared by a licensed structural pest control operator and filed at least thirty (30) days prior to the submitting of the final map.
 4. To the greatest extent practicable from the standpoint of financial feasibility all deficiencies noted in the property report of this division shall be corrected prior to consideration of the final map.

SECTION 14 -- TENANTS' RIGHTS

- A. The Township shall notify in writing each affected tenant concerning the application for conversion no less than ~~ten (10)~~ **fifteen (15)** days prior to the public hearing before the Township Planning ~~Board~~**Commission** *in accordance with Article VIII of the Zoning Ordinance of Cambridge Township.*
- B. The subdivider shall give each tenant a minimum of one hundred eighty (180) days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion.
- C. The present tenant or tenants of any unit to be converted shall be given an exclusive right to contract to purchase the unit occupied at a price no greater than the price, and with terms no less favorable than the terms offered to the general public. Such right shall be irrevocable for a period of ninety (90) days after the issuance of the final public report by the

Cambridge Township Board unless the tenant gives prior written notice of his intention not to exercise the right.

- D. Each tenant whose name appears on the Conditional Use Permit application, as required and who moves as the result of having received the notice required, shall be reimbursed by the subdivider a relocation payment of one and one-half (1 1/2) times the current rental rate of the unit to be converted or one thousand (\$1,000) dollars, whichever is more. This financial relocation assistance requirement shall not apply to the benefit of tenants who were given written notice of the landlord's intent to convert when the respective rental agreements or leases were signed.

Failure to record a final subdivision map within the time allowed by this Code, including all allowable time extensions, shall terminate all proceedings. Before a tentative subdivision map may thereafter be refiled, the application for a new Conditional Use Permit shall be accompanied by an application fee equal to a sum which is double the application fees required for original applications.

If a final subdivision map has not been recorded within three and one-half (3 1/2) years after the date of approval of a tentative tract map, and two (2) years for a tentative parcel map, and reapplication has been filed with one (1) year from the tentative map expiration date, then all tenants who lived in the structure being subdivided, and who continue to live in a rental unit of said structure, shall thereafter be eligible for the financial relocation assistance required by this section, regardless of the reason for ineligibility prior thereto.