

LEONI 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 Leoni Township, Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.2 - TITLE

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

SECTION 1.3 - PURPOSES

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. 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. 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. Lessening and avoiding congestion on public highways and streets;
- E. 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 Planning Commission and the Leoni Township Board.
- F. 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 districts;

- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditures of funds for public improvements and services;
- I. 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;
- J. 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 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, 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.

To assure the orderly completion of a land development project, at the recommendation of the Leoni Township Planning Commission, and approved by the Township Board, 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 the provisions of this ordinance. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the building 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.

## 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.

### 2.2.1A Access Management:

A technique to improve or preserve traffic operations along a major roadway, and minimize potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from one another; and the promotion of alternatives to direct road access. Methods used include construction of frontage roads, service drives, shared driveways, and medians or islands to direct traffic flow and control ingress and/or egress.

### 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 property.

### 2.2.3 Alter:

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

### 2.2.4 Apartments:

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

A. Garden Apartment - A building having three (3) or more one-story dwelling units.

B. High Rise Apartment - A building having at least four (4) stories, and containing three (3) or more one-story dwelling units.



- C. Townhouse - A building of at least two (2) stories, and containing a series of three (3) or more attached dwelling units that are separated from one another by common fire walls from foundation to roof.

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 auxiliary servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

2.2.5A Automobile or Trailer Sales Area:

Any space used for display, sale, or rental of motor vehicles or trailers in new or used and operable condition.

2.2.5B Basement:

That portion of a building partly below grade, but so located that the vertical distance from the average ground level to the ceiling is less than the average ground level to the floor. A basement shall be considered a story if the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor. (See Structural Terminology Diagram.)

2.2.5C Bed and Breakfast Facility:

A bed and breakfast facility is a building, other than a hotel, where lodging and light breakfast are regularly served to persons, other than family, for compensation.

2.2.5D Berm:

A mound of earth graded, shaped, and improved with grass, plant materials, and/or ground cover in such a fashion as to be used for visual and/or audible screening.

2.2.5E Billboard:

Any structure or part thereof on which lettered or pictorial matter is displayed for off-premise advertising purposes.

2.2.7 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.

2.2.8 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.

2.2.9 Building Height:

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

2.2.9A Building, Principal:

A building in which is conducted the main or principal use on a lot or parcel.

2.2.10 Building Setback Line:

A line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building.

2.2.10A Campground:

A parcel or tract of land in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for tents, motorhomes, travel trailers, or other recreational vehicles.

2.2.11 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.

2.2.12 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.

2.2.12A Clinic, Medical or Dental:

A facility where two or more licensed physicians or dentists actively engage in the practice of medicine or dentistry on an outpatient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary for its operation.

2.2.12B Common Element:

An unoccupied area within a site condominium or planned unit development which is reserved for the enjoyment of all residents (general) or by some residents (limited) and maintained by those residents through associations. (See Site Condominium Terms Diagram).

2.2.12C Condominium Unit:

That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in a master deed, regardless of intended use. The owner of a condominium also owns a share of the common elements. The terms "condominium unit" and "site condominium" shall be considered the equivalent to the term "lot" for purposes of determining compliance to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratios. Lot requirements within this ordinance shall apply to site condominium units as they are designed and recorded under provisions of Public Act 288 of 1967 as amended.

2.2.13 Cul-De-Sac:

A street closed at one end and having a minimum right-of-way of one hundred and twenty (120) feet in diameter at the turn around.

2.2.13A Day Care Facility:

- A. Child Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school-aged children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility which provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility includes child care center, day care center, day nursery, nursery school, parent cooperative preschool, play ground or drop in center.
- B. Family Day Care Home: A private home in which one (1) to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except for children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- C. Group Day Care Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

2.2.14 District:

A portion of the Township of Leoni 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:

One or more rooms with independent cooking facilities designed as a unit for residence by only one family.

2.2.17 Dwelling - Single Family:

A detached residence designed or occupied by one family only with housekeeping and cooking facilities, and complying with the following standards:

- A. The dwelling shall contain a minimum of seven hundred twenty (720) square feet of living area.
- B. The dwelling shall have a minimum width of twenty (20) feet along any exterior side elevation of the principal living area, exclusive of porches not a part of the main living area.
- C. The dwelling shall have a minimum floor to ceiling height of seven and one-half (7.5) feet.
- D. The dwelling shall be connected to a public sewer and public water supply or to such private facilities as are approved by the Jackson County Health Department.
- E. The dwelling shall comply in all respects with the Leoni Township Building Code.
- F. The dwelling shall comply in all respects with applicable Township and State Plumbing, Electrical, Energy and Fire Codes and Regulations and other applicable ordinances.
- G. All dwellings, including manufactured housing shall be firmly attached to a solid foundation according to Leoni Township Zoning Codes.
- H. The dwelling shall contain storage area either in a basement located under said dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site, which space shall be equal to not less than 15% of the interior living area of the dwelling.
- I. The dwelling shall be aesthetically compatible in design and appearance to conventionally on-site constructed homes with a roof overhang of not less than six (6) inches, not less than two (2) exterior doors with one being in

the front of the home and the other being in either the rear or side of the home, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.

- J. The dwelling shall have a stone, brick, block, concrete, or wood foundation coextensive with the perimeter of the structure or, in the case of a dwelling which has foundational support which is not coextensive with the perimeter of the structure, a wall or skirting material constructed to be coextensive with the perimeter of the structure and similar in appearance to a stone, brick, block, concrete, or wood foundation to give the appearance of a standard foundation. Said wall or skirting material shall be durably constructed to last the life of the structure, and such skirting shall be installed within ninety (90) days after issuance of building permit.
- K. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park of a licensed mobile home subdivision except to the extent required by State Law or otherwise specifically required in the ordinances of Leoni Township.

2.2.18 Dwelling - Two Family:

A building other than a mobile home, 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 other than a mobile home designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.

2.2.20 Easement:

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

2.2.21 Essential Services:

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions or boards, of underground or overhead gas, electric, steam or water transmission or distributing systems; collection, communication, supply or disposal systems; dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, 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. This definition does not

include towers or other buildings or structures intended specifically to service commercial wireless telecommunications such as cellular, personal communications services, specialized or enhanced mobile radio, paging and similar services.

2.2.22 Family:

One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage no such family shall contain over five persons.

- A. Domestic Family: One or more person living together and related by the bonds of consanguinity, marriage, or adoption together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in the dwelling.
- B. Functional Family: Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforced by the building inspector in the first instance that the number of person who may reside as a functional equivalent family shall be limited to six (6).

2.2.22A Foster Care Facility:

An establishment which provides supervision, assistance, protection and personal care, in addition to room and board, to a person. A foster care facility is other than a home for the aged or a nursing home licensed under Public Act 139 of 1956, as amended, or a mental hospital licensed under section 51 and 52 of the Public Act 151 of 1923, as amended.

- A. Family Home: A facility which provides foster care for six (6) or fewer persons.
- B. Group Home: A facility which provides foster care for seven (7) or more persons.

2.2.22B Greenbelt or Buffer Strip:

A strip of land of definite width and location reserved for planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this ordinance. It can also be a landscaped area along a street between the curb or road shoulder and the front yard parking setback line.

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 (also see Section 5.15).

2.2.24 Hotel:

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both.

2.2.24A Intensive Livestock Operation:

Livestock operations may be considered intensive when the number of animals fed, harbored, maintained, or kept exceeds more than one animal unit per tillable acre of farm. See the following representative list of animal units:

- 1AU - 1 1,200 lb lactating cow
- 1AU - 2 dairy heifers at two years of age
- 1AU - 2 500-700 lb steers
- 1AU - 1 horse or mule
- 1AU - 2 yearling horses or ponies
- 1AU - 6 ewes with lambs or goats
- 1AU - 12 lambs or kids after weaning
- 1AU - 5 300 lb sows
- 1AU - 50 50 lb pigs
- 1AU - 16 150 lb hogs
- 1AU - 250 chickens, ducks or rabbits
- 1AU - 125 geese or turkeys



2.2.25 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.

2.2.26 Kennel:

The land and/or structure where five (5) or more cats or dogs are boarded for profit.

2.2.26A Land Use Plan:

A composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of Leoni Township as adopted by the Leoni Township Planning Commission.

2.2.27 Lot:

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street.

2.2.28 Lot Area:

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

2.2.29 Lot Corner:

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

2.2.30 Lot Depth:

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

2.2.31 Lot Coverage:

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

2.2.32 Lot Line (Front):

The part of the lot line which coincides with the street right-of-way or easement. On lake front property it is the part which coincides with the lake.

2.2.33 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 Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

2.2.34 Lot Through (Double Frontage):

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

2.2.35 Lot Width:

The width of the lot measured at the required front yard setback line.

2.2.35A Master Deed:

The condominium document recording the condominium project as approved by the township which is attached as exhibits and incorporated by reference in the approved bylaws for the project and the approved condominium subdivision for the project.

2.2.36 Mobile Home:

A detached portable residential dwelling unit which complies with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, as amended: with a floor area of at least four hundred (400) square feet, prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It shall have one (1) approved smoke detector, one (1) fire extinguisher; 2A10BC or equivalent, easily assessable (covers electric, grease, and combustible fires-up to ten (10) square feet), tie downs every eight (8) feet on each side in accordance with the manufactured specifications, skirting.

2.2.37 Mobile Home Parks:

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

2.2.38 Mobile Home Subdivision:

A legally platted residential subdivision accommodating mobile homes.

2.2.39 Motel:

Any establishment in which 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 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.

2.2.40 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.

2.2.41.1 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.

2.2.41.2 Project:

Land development or any planned undertaking which involves construction of structures for any use.

2.2.42 Quarry:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, coal, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral 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.

2.2.43 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.

2.2.44 Roadside Stand:

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

2.2.44A Rooming House:

A building where lodging without meals is provided for compensation.

2.2.44B Screening:

A hedge, fence, or wall, or any combination thereof, used to reduce visual and audible effects of adjoining uses.

2.2.44C Setback:

The minimum required horizontal distance for front, side, and rear yards as measure by the boundaries of a lot.

2.2.45 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 or premises, or other identification of premises not having commercial connotation.
- 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;
- f. Signs attached to a building or an integral part of a building, which identify that building or occupant.

2.2.46 Sign Area:

The area of a sign consisting of the entire projected area (visible from any point) 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.

2.2.47 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.

2.2.47A Site Condominium Project:

A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act (P.A. 59 of 1978, as amended.)

2.2.48.1 Site Plan Review:

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

2.2.48.2 State Licensed Residential Facility:

A structure constructed for residential purpose that is licensed by the State which provides resident services for six or less persons under twenty-four hour supervision or care for persons in need of that supervision. Said facilities shall be located no less than 1500 feet apart, except upon approval of the Leoni Township Board.

2.2.49 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.

2.2.50 Street:

A public or private thoroughfare which affords the principle means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width, unless: situated along an existing public road of lesser width, or; specifically approved pursuant to Site Plan Review under Sections 2.2.48.1 and 5.1. A public or private road, established after the effective date of this Ordinance Amendment, capable of serving more than 4 residential dwellings, shall be paved with a bituminous surface prior to the issuance of the building permit for the fifth dwelling, with the pavement width not less than twenty feet.

2.2.51 Structure:

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

2.2.51A (Commercial) Telecommunications Services:

Licensed commercial (wireless) telecommunications services including cellular, personal communications services, specialized or enhanced mobile radio, paging and similar services that are marketed to the general public.

2.2.51B Tower:

Any ground or roof mounted pole, spire, structure or combination thereof exceeding a height of fifteen feet (15'), including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar device above grade.

2.2.52 Transition (Buffer) Strip:

An unused screened open area which reduces the visual or noise impact of one use upon another.

2.2.53 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 vehicle.

2.2.53A Variance:

A variation of the lot size or width requirement, yard requirement, height restrictions, sign regulations, parking and loading requirements, or other development standards from those set forth in the zoning ordinance where strict enforcement of the terms of the ordinance would create undue hardship, owing to the unique characteristics of the property for which the variance is sought.

2.2.54 Vehicle Display:

The display of new or used vehicles offered for sale, rent, or lease and suitable for immediate use and licensing.

2.2.55 Vehicle Parking:

The parking of licensed operable motor vehicles.

2.2.56 Vehicle Salvage:

The dismantling of vehicles for salvage or reuse of parts.

2.2.57 Vehicle Storage:

The storage of vehicles held for repair, sale, salvage, or legal determination of charges or ownership.

2.2.58 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 including porches, or decks on the lot.

2.2.59 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.

2.2.60 Yard, Side:

An open, unoccupied space on the same lot with the principal building, porches or decks on 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.

SECTION 2.3 - UNDEFINED TERMS

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

SECTION 2.4 - APPLICATIONS OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promotion 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 Township Board to attain the purposes of this Ordinance.



ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS

The Township of Leoni is hereby divided into the following zoning districts:

AG	Agricultural District
RNF	Rural Non-Farm Residential District
RS	Suburban Residential District
R-1	Single Family Residential District
R-4	High Density Residence and Office District
PR-1	Planned Residential District
RM	Mobile Home Residential District
B-1	Neighborhood Business District
B-2	Community Business District
B-4	General Business District
B-5	Highway Business District
ML	Light Industrial District
M	Heavy Industrial District
OS	Open Space

SECTION 3.2 - OFFICIAL ZONING MAP

The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, "Official Zoning Map," Leoni Township, Jackson County, Michigan, 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 railroads rights-of-way lines, section lines, one-quarter section lines, one-eighth 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 Board of Appeals shall interpret the exact location of the district boundary.

#### SECTION 3.4 - PUBLIC HEARING FOR ZONING

The formulation and enactment of this ordinance is based upon the division of the Township of Leoni into districts in each of which are permitted specified uses which are mutually compatible uses.

##### 3.4.1 Authority to Grant Zone Change:

The Township Board may, from time to time, on recommendation from the Planning Commission 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 amendment. 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.

##### 3.4.2 Data, Exhibits, and Information Required in Application:

An application for a zoning district change shall contain the applicants 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; an accurate survey drawing of said property showing the existing location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, and information.

##### 3.4.3 Public Hearing:

The Planning Commission shall hold a public hearing upon any application for a zoning district change, notice of which shall be by newspaper publication. The first publication shall not be more than 30 days nor less than 20 days preceding the hearing. The second publication to be not more than eight (8) days prior to hearing. The publication shall be in a newspaper circulated within the Township. Notice of Public Hearing shall be sent at least eight (8) days prior to the hearing to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and multi-family dwellings, within three hundred (300) feet. The property in question shall be conspicuously posted at least eight (8) days prior to the hearing.

3.4.4 Approval, Grant of Zoning District Change:

Upon holding a public hearing and finding that the requirements of subsections 3.4.2 through 3.4.3 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall recommend approval or disapproval to the Leoni Township Board. The request then shall be submitted to the Jackson County Coordinating Committee for review. The Leoni Township Board shall review all the evidence and recommendations supplied to them by the Planning Commission and the Jackson County Coordinating Committee at their Township Board Meeting. At a public meeting, the Township Board shall approve or disapprove the zoning request.

## 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 for incompatible land uses, and to retain land suited for open space and recreation use for the future.

##### 4.1.0 Open Space District (OS):

This district is composed of areas of the township well suited to open space and recreational land use. The regulations governing this district are designed to retain lands which are environmentally sensitive or provide for the recreational pursuits of township residents. Permitted land uses are generally those in support of public interests of open space and recreation.

##### a. Permitted Uses:

1. Public parks, provided that any principal building shall be located at least one hundred (100) feet from all adjacent property lines.
2. Cemeteries.
3. Public or private golf course, including clubhouse facilities and golf driving ranges, provided that such use is secondary to the principal use of a regulation 18-hole development.
4. Public buildings or facilities, including community centers devoted to open space and/or recreation, provided that any principal building is located at least fifty (50) feet from all adjacent property lines.

##### b. Conditional Uses:

1. Private or non-profit parks, camps, clubs, riding academies or similar recreational uses, subject to the provisions of Section 5.5.

2. Single family dwelling, provided that such building and/or any accessory structures are located at least fifty (50) feet from any designated floodplain or wetland and subject to the provisions of Section 5.5.

c. Area, Yard, Height and Bulk Requirements: See Section 4.6.

4.1.1 Agricultural District (AG):

This district is composed of areas of the township suited to agricultural land use. The regulations governing this district are designed to retain and preserve farmland and farm dwellings, while providing transition from open space areas and rural non-farm residences.

a. Permitted Uses:

1. Agriculture and the usual agricultural buildings and structures including processing of agricultural products but not including commercial slaughtering.
2. Dwelling, one-family detached. Subject to provision of Article V, 5.12.
3. Farming, general and specialized, including nurseries, greenhouses, truck gardening, poultry raising, bee-keeping and similar bona fide agricultural enterprises or uses of land and structures, providing sale of products shall be limited to those grown on the premises. No commercial slaughtering.
4. Any accessory use or structure clearly incidental and customary to the operation of the above uses.
5. Signs permitted under provisions of Section 5.2.

b. Conditional Uses:

Each use hereunder shall be permitted upon recommendation by the Planning Commission and authorization by the Township Board, and subject to such reasonable restrictions as may be clearly and specifically set forth in writing by the Township Board. In every such use the Township Board shall follow procedures set forth in Article V, Section 5.5.

1. The raising of domestic animals, fowl and fur bearing animals (other than farm livestock) for commercial purposes, provided that any structure, pens and yards in which animals or fowl are kept shall be located not less than two hundred (200) feet from any residence located on any other lot or premises.
2. Livestock auction yards and structures, provided that:
  - a. Written consent of eighty percent (80%) of all owners of property is obtained within five hundred (500) feet of any part of the lot on which it is to be located.
  - b. No yards or structures shall be located less than five hundred (500) feet from any R District or any dwelling.
3. Quarries. See Section 5.5.9.a
4. A portable asphalt plant may be operated in any existing gravel pit in the Township in a temporary basis after obtaining approval of the Township Board, provided such plant is not less than one thousand (1000) feet from any R District, and provided that such use must be discontinued if the Township Board determines that the same has become a public nuisance.
5. Aircraft landing field or airports, providing that the parcel or tract of land is sufficiently large so as not to create a noise or safety hazard to adjacent or nearby property owners or their property.
6. Permitted Home Occupations subject to provisions of Article V, Section 5.15.
7. Off-site sludge storage facilities and lagoon or water reservoirs.
8. Churches, providing they are located at least fifty (50) feet from all adjacent property lines.
9. Commercial kennels for the raising, breeding and boarding of dogs and other small animal, and including office of a veterinarian, provided that all buildings and runs be at least two hundred (200) feet from all adjacent property lines.

10. Riding stables and academies, provided that all buildings be at least two hundred (200) feet from all adjacent property lines and further provided that adequate bridle paths be made available either on private property or on nearby public lands.
11. Roadside market stands, provided any structure used for such purposes shall be located not less than thirty (30) feet distance from the road right-of-way boundary line and have adequate off-road parking.
12. Essential services (See Section 5.5)

c. Area, Yard, Height, and Bulk Requirements: See Section 4.6.

## SECTION 4.2 - RESIDENTIAL DISTRICTS

The Rural Non-Farm Residential District, Suburban Residential District, Single-family Residential District, High Density Residential and Office District, Planned Residential District, and Mobile Home 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.

State Licensed residential facilities shall be permitted in each of the following residential districts.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the following permitted uses and the lawful accessory uses thereto, or for one or several of the following Conditional Uses:

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

This district is established to provide suitable areas for single-family or two (2) family dwellings at low densities to preserve a predominately 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 dwelling. Subject to provision of Article V, 5.12.
2. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.

b. Conditional Uses:

1. Churches and other buildings for religious worship.
2. Public and private nurseries; primary and secondary schools.
3. Essential service structures of a non- industrial character, but not including maintenance depots or warehouses.
4. Permitted Home Occupations subject to provisions of Article V, Section 5.15.
5. Farm dwellings, farm buildings and structures, including nurseries, greenhouses, and general farming, provided hereafter any parcel of land in such use shall be not less than five (5) acres in area and any building in which farm animals are kept shall be located not less than seventy-five (75) feet from every lot line.
6. Accessory uses.
7. Essential services, only in accordance with the regulations specified in Article V, Section 5.18.

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

See Section 4.6.

4.2.2 Suburban Residential District (RS):

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the following Uses by Right and the lawful Accessory Uses thereto, or for one or several of the following Conditional Uses:



a. Permitted Uses:

1. Single-family detached dwelling. Subject to provision of Article V, 5.12.
2. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.

b. Conditional Uses:

1. Churches and other buildings for religious worship.
2. Public and private nurseries, primary and secondary schools.
3. Essential service structures of a non- industrial character, but not including maintenance depots or warehouses.
4. Permitted Home Occupations subject to provisions of Article V, Section 5.15.
5. Farm dwellings, farm buildings and structures, including nurseries, greenhouses, and general farming, provided hereafter any parcel of land in such use shall be not less than five (5) acres in area and any building in which farm animals are kept shall be located not less than seventy-five (75) feet from every lot line.
6. Accessory uses.
7. Funeral homes.

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

See Section 4.6.

4.2.3 One Family Residential District (R-1):

This district is composed of low density, single-family residential development and other uses which are compatible with the intent to stabilize, protect and encourage the residential character of the district. No land or structure shall be used or occupied except for the following Conditional Uses:

a. Permitted Uses:

1. Single-family detached dwelling. Subject to provision of Article V, 5.12.

2. On-site signs in accordance with regulations specified in Section 5.2.3.
3. Accessory uses or structures, but not without a primary or principal structure.

b. Conditional Uses:

1. Churches and other buildings for religious worship.
2. Public and private nurseries, primary and secondary schools.
3. Essential services (See Sections 5.5 and 5.18)
4. Nursing homes, homes for the aged, child care homes and nursery schools wherein there are seven (7) or more persons, provided that:
  - a. Principal buildings used therefor shall be not less than fifty (50) feet from any other lot;
  - b. Floor space per person not less than forty (40) square feet;
  - c. Outdoor activity areas for each person not less than seventy-five (75) square feet and shall be fenced and screened from adjoining property or highway.
5. Permitted Home Occupations subject to provisions of Article V, Section 5.15.
6. Planned Unit Development (Residential Only, Including Cluster Housing and Site Condominiums).

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

See Section 4.6.

4.2.4 Planned Residential District

The Planned Residential District (PR-1) is intended to provide flexibility within the design and development of (primarily) single family housing consistent with the density established for the One-Family Residential District (R-1).

While standard zoning and subdivision practices are appropriate for the regulation of residential land use in areas or neighborhoods that are already substantially developed, these controls can hinder the creation of attractive, safe, and affordable housing in developing areas of the township. Therefore, this district

is intended to permit enough flexibility in development design so as to allow the development of housing which benefits from modern design techniques while adhering to general standards of character and density.

All applications for zoning for Planned Residential District (PR-1) shall adhere to the standards for density established in Section 4.6 and must meet the approval process standards for Planned Unit Development/Residential Only established in Section 4.7.

a. Permitted Uses:

1. Single-family detached dwellings.
2. Site condominium project (See Definition).
3. Accessory uses or structures, but not without a principal residential structure.

b. Conditional Uses:

1. Single-family attached housing, including cluster housing.
2. Assisted living, nursing homes, homes for the aged, child care homes and nursery schools wherein there are seven (7) or more persons, provided that:
  - a. Principal buildings shall not be less than one hundred (100) feet from any single-family residence (either within the development or adjacent to).
  - b. Floor space for person not less than forty (40) square feet.
  - c. Outdoor activity areas for each person shall not be less than seventy-five (75) square feet and shall be fenced or screened from adjoining property or highway.

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

See Section 4.6

See Section 4.7

4.2.5 High Density Residence and Office District (R-4):

This district is composed of certain of the older and higher density residential areas plus some open areas where the intermingling of one, two and multiple family dwellings with professional offices, clubs and specified home occupations may be developed for apartments, offices, clubs and headquarters for group organizations. All of these types of use will be encouraged provided adequate parking space and the essential residential character of the district is maintained.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the following Permitted Uses and the accessory uses thereto, or for one or several of the following Conditional Uses:

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. Accessory uses or structures, but not without a primary or principal structure.

b. Conditional Uses:

1. Churches and other buildings for religious worship.
2. Essential Services (See Sections 5.5 and 5.18)
3. Single-family dwellings.
4. Clinic - dental or medical, provided any building used therefor shall be located not less than twenty (20) feet from any lot in any other R District.

5. Clubs, lodges and meeting places for other organized groups not operated for gain, provided that building in which such uses are housed shall be located not less than thirty (30) feet from any other lot in any R District.
6. Funeral Home.
7. Hospitals, sanitariums and charitable institutions for human care, not including those for penal purposes; provided, that the site of any such use shall be at least two (2) acres in area and than any building for such use shall be distant at least fifty (50) feet from every lot line.
8. Institutions for children or the aged, but not including penal or correctional institutions and, provided any principal building and/or activity area shall be located not less than fifty (50) feet from any other lot in any R District.
9. Library or museum, public.
10. Municipal buildings or properties, not including storage yards, warehouses or garages.
11. Nursery schools and child care centers with seven (7) or more children, provided, the amount of floor space per child shall be not less than forty (40) square feet and the outdoor play space per child shall be not less than seventy- five (75) square feet. Outdoor play space maintained in connection with the school or center, shall be completely and securely fenced by a four (4) foot chain link fence or other specified by the planning committee and, if closer than fifty (50) feet to any property line, shall be screened by a masonry wall or compact evergreen hedge not less than five (5) feet in height and there shall be not less than 1,000 square feet of play area available to each day care center.
12. Office: Any office in which chattels or goods, wares or merchandise are commercially exchanged or sold, provided any building used therefor shall be located not less than twenty (20) feet from any lot in any other R District.
13. Rooming house.
14. Schools; Public and parochial and institutions of higher education, provided, buildings and play areas shall be located not less than fifty (50) feet from any lot in any R or AG District.

- 15. Studio for professional work or instruction of any form of fine arts, music, drama, dance but not including commercial gymnasium or portrait studio.
- 16. Planned Unit Development.
- 17. Bed and Breakfast.

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

See Section 4.6.

4.2.6 Mobile Home Residential District (RM):

This district is composed of residential development within mobile home parks or plats where three (3) or more mobile homes are located on contiguous lots within a planned development regulated by the State of Michigan Mobile Home Commission Act (Act 96 of 1987) and the rules established by the Mobile Home Commission, as amended. Such development shall be connected to a central water supply system and a central sanitary sewerage system as approved by the Jackson County Health Department.

a. Permitted Uses:

- 1. Public schools.
- 2. Mobile Home Parks, Subject to the following conditions:
  - a. Must be located on a parcel of no less than ten (10) acres, with at least two hundred feet (200') of frontage along a public road or street.
  - b. Must establish a greenbelt buffer of twenty-five feet (25') from adjacent property lines, with such buffer to include screening or fencing where deemed appropriate by the Planning Commission within the procedure for site plan review and approval (Section 5.6).

b. Conditional Uses:

- 1. Planned Unit Development.

**SECTION 4.4 - COMMERCIAL DISTRICTS**

The Neighborhood Business District, Community Business District, General Business District and Highway Business District are designed to limit compatible commercial enter-

prises 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 such 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.

#### 4.4.1 Neighborhood Business District (B-1):

This district is composed of certain land and structures used primarily to provide for the selling at retail of "convenience goods" in the grocery, hardware and drug store, and to furnish "services" such as beauty shops, barber shops, self-service laundromats, eating places and others of a similar nature. This district is small, usually located at the intersection of two highways or streets and serves the immediate neighborhood. The regulations are designed to encourage uses and services needed from day to day and to protect surrounding residential districts against the encroachment or infiltration of business enterprises.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the following Permitted Uses and accessory uses thereto or for one or several of the following Conditional Uses:

##### a. Permitted Uses:

1. Antique shop, provided all articles for sale are displayed or stored within the shop.
2. Bakery.
3. Barber and/or beauty shops.
4. Catering service, delicatessen and confectionery store.
5. Clothes or wearing apparel shop.
6. Church.
7. Dairy products store.
8. Drugstore.
9. Dry cleaning and laundry - custom and self-service.

10. Eating place (excluding the sale of alcoholic beverages).
11. Florist and gift shop.
12. Grocery.
13. Hardware, hobby shop, fix-it shop.
14. Laundry and dry cleaning - customer and self-service.
15. Liquor store (sale by package only).
16. Shoe store.
17. Small shops for repair and servicing of home appliances, radio and TV, jewelry, shoes, watches and similar household or personal items.
18. Upholstery and woodworking shops.
19. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.4.
20. Accessory uses or structures.

b. Conditional Uses:

1. Automobiles service stations, provided:
  - a. Premises used for such purposes shall not be less than two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. Hereafter no gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
  - b. Building used for such purposes shall not be nearer than fifty (50) feet from any R District.
  - c. Any minor automobile repair work, as defined in this Ordinance, shall be done within the principal building on the premises.
  - d. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no



partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the buildings on the premises.

- e. When such use abuts the side and/or rear line of a lot in any R District a compact evergreen hedge, solid wall, or painted board fence not less than five (5) feet shall be maintained at the property line.
2. Bar or combination bar and restaurant, provided any building used for same shall be located at least fifty (50) feet from any other lot in any R or AG District and a compact evergreen hedge, solid wall or tight board fence not less than five (5) feet be maintained at the property line.
  3. Bait stores or the supplying of live bait to fishermen, provided:
    - a. All containers wherein leaf worms, night crawlers and similar baits are kept shall be properly refrigerated.
    - b. Tanks for minnows shall be equipped to provide adequate water movement and oxygen.
    - c. Buildings wherein any live bait is propagated, stored or sold shall be located at least fifty (50) feet from any lot in any R or AG District.
  4. It is the intent herein to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the conversion to one, two, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use, subject to the following conditions:
    - a. The dwelling unit(s) shall be secondary and incidental to primary use permitted in the district.
    - b. The dwelling unit(s) shall be contained in the same structure as the primary use.
    - c. Dwelling unit(s) shall be used exclusively for living accommodation. No storage or warehousing of goods and merchandise or the sale of said items shall be permitted.
    - d. One off-street parking space shall be provided for each dwelling unit exclusive of those provided for the existing

commercial establishment. All applicable regulations specified in Section 5.3 OFF-STREET PARKING REQUIREMENTS shall be complied with.

- e. The dwelling unit(s) shall comply in all respects with the Leoni Township Building Code, State Plumbing, Electrical, Energy and Fire codes and regulations.
- f. Every dwelling unit shall have not less than the required floor area specified under Section 5.20 FLOOR AREA REQUIREMENTS.

5. Planned Unit Development. See Section 4.7

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

See Section 4.6.

4.4.2 Community Business District (B-2):

This district is composed of certain land and structures used not only to provide all of the types of "convenience goods and services" found in the B-1 District, but in addition provide a greater number of business enterprises as to type, variety or service offered. These would include supermarkets, discount stores, household furnishings, major appliance stores, junior department stores, variety stores, garden supply centers, and banks. This district is encouraged to provide the types of goods and services that will attract customers from the entire community. Regulations are designed to permit growth of the enumerated uses and services and limited only by standards which will give protection to adjacent businesses and industrial or residential districts.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the following Permitted Uses and accessory uses thereto or for one or several of the following Conditional Uses:

a. Permitted Uses:

- 1. Antique shop, provided all articles for sale are displayed or stored within the shop.
- 2. Automobile, truck and trailer display, sales and repair, and sales lots.
- 3. Bakery.

4. Banks, loan and finance offices, including drive-in type.
5. Barber and/or beauty shops.
6. Bowling alley, including bar and restaurant.
7. Bus station.
8. Camera and photo supplies store.
9. Catering service, delicatessen and confectionery store.
10. Clinic, dental and medical including laboratory.
11. Clothes or wearing apparel shop.
12. Club, lodge or church.
13. Dairy products store.
14. Decorating or drapery shop.
15. Department stores and specialty apparel stores.
16. Drug store.
17. Dry cleaning and laundry; custom and self-service.
18. Dry goods or notions store.
19. Eating place, bar, grill, and cocktail lounge.
20. Egg and poultry store.
21. Florist and gift shop.
22. Fruit and vegetable markets.
23. Funeral home.
24. Food locker plant.
25. Furniture - household furnishings.
26. Garden and lawn supply store.
27. Grocery, supermarkets, and discount stores.

28. Hardware, sporting goods and electrical appliances.
29. Jewelry store.
30. Laundry and dry cleaning; custom and self-service.
31. Library and other public buildings.
32. Liquor store (sale by packages only).
33. Offices: Any office in which chattels or goods, wares or merchandise are commercially created, exchanged or sold.
34. Office supply store - business machines.
35. Paint, wallpaper and floor coverings store.
36. Parking lot (subject to provisions of Article 8, Section 8.09).
37. Plumbing, heating and air conditioning sales and service.
38. Radio, TV and musical instruments.
39. Repair, rental and servicing of any products permitted and sold as a Use by Right in this district.
40. Shoe store.
41. Studio for photography, dance or music.
42. Tailoring, including alterations, pressing, dressmaking and millinery shop.
43. Toy store, including playground equipment.
44. Tire and auto accessories stores.
45. Variety store, upholstery and/or woodworking shops.
46. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.5.
47. Accessory uses or structures.
48. Essential services and structures of a non-industrial character.

b. Conditional Uses:

1. Automobile service stations, provided:

- a. Premises used for such purposes shall not be less than two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. Hereafter no gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
- b. Building used for such purposes shall not be nearer than fifty (50) feet from any R District.
- c. Any minor automobile repair work, as defined in this Ordinance, shall be done within the principal building on the premises.
- d. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the buildings on the premises.
- e. When such use abuts the side and/or rear of a lot in any R District, a compact evergreen hedge, solid wall, or painted board fence not less than five (5) feet shall be maintained at the property line.

2. Bait stores or the supplying of live bait to fishermen, provided:

- a. All containers wherein leaf worms, night crawlers and similar baits are kept shall be properly refrigerated.
- b. Tanks for minnows shall be equipped to provide adequate water movement and oxygen.
- c. Buildings wherein any live bait is propagated, stored or sold shall be located at least fifty (50) feet from any lot in any R or AG District.

3. Drive-ins (banks excepted), provided any structure shall be at least one hundred (100) feet from any lot in any R or AG District. When such use abuts any R or AG District, other than across a street, a

compact evergreen hedge, solid wall or tight fence at least five (5) feet in height shall be maintained at the property line.

4. Boat shop and/or marina including the sale, servicing, repair, storage and rental of boats or the offering of docking facilities, provided any or all these activities shall be located at least one hundred (100) feet from any lot in any R or AG District.
5. Automobile Automatic Wash and Polish Stations, provided that:
  - a. All operations shall be within an enclosed building.
  - b. The building shall have a setback of lot less than forty (40) feet from any street line.
  - c. All vehicles on the premises, other than those being serviced shall be provided with off-street waiting lanes and off-street parking space.
  - d. When such use abuts the side and/or rear line of a lot in any R District, a compact evergreen hedge, solid wall or painted board fence not less than five (5) feet shall be maintained at the property line.
6. It is the intent herein to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the conversion to one, two, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use, subject to the following conditions:
  - a. The dwelling unit(s) shall be secondary and incidental to primary use permitted in the district.
  - b. The dwelling unit(s) shall be contained in the same structure as the primary use.
  - c. Dwelling unit(s) shall be used exclusively for living accommodation. No storage or warehousing of goods and merchandise or the sale of said items shall be permitted.
  - d. One off-street parking space shall be provided for each dwelling unit exclusive of those provided for the existing commercial establishment. All applicable regulations specified in Section 5.3 OFF-STREET PARKING REQUIREMENTS shall be complied with.

- e. The dwelling unit(s) shall comply in all respects with the Leoni Township Building Code, State Plumbing, Electrical, Energy and Fire codes and regulations.
- f. Every dwelling unit shall have not less than the required floor area specified under Section 5.20 FLOOR AREA REQUIREMENTS.

7. Planned Unit Development.

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

See Section 4.6.

4.4.3 General Business District (B-4):

This district is composed of certain land and structures used to provide for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect the abutting residential districts, provide reasonable compatibility with each other and prevent further "strip" zoning along major thoroughfares.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one of several of the following Uses by Right and lawful Accessory Uses thereto or for one or several of the following Conditional Uses:

a. Permitted Uses:

- 1. Antique shop, provided all articles are displayed or stored within the shop.
- 2. Automobile, truck and trailer display, hire, sales and repair, including sales lot, painting and body shop.
- 3. Automotive supply parts and accessories.
- 4. Bakery.
- 5. Banks, loan and finance offices.
- 6. Barber and/or beauty shops.
- 7. Bowling alley, including bars and restaurant.

8. Bus station and travel agency.
9. Business or trade school.
10. Camera and photo supplies store.
11. Catering service, delicatessen and confectionery store.
12. Clothes or wearing apparel shop.
13. Club, lodge or church.
14. Crating and packing service.
15. Dairy products store.
16. Dance studio.
17. Department store, specialty apparel, and discount stores.
18. Diaper, linen and towel supply service.
19. Drug store.
20. Dry cleaning and laundry; custom and self-service.
21. Dry goods or notions store.
22. Eating place, bar, grill, and cocktail lounge.
23. Egg and poultry store.
24. Electrical supplies; wholesale and storage.
25. Exterminator service.
26. Factory and mill supplies.
27. Florist and gift shop.
28. Fruit and vegetable markets.
29. Funeral home and ambulance service.
30. Furniture and household furnishings.



31. Garden and lawn supply store.
32. Grocery, supermarkets, and meat processing (no slaughtering).
33. Hardware and sporting goods.
34. Jute box and vending machine service and distribution.
35. Library and other public buildings.
36. Liquor store (sale by package only).
37. Luggage, camping supplies and equipment.
38. Malt beverage, liquor and wine distribution.
39. Offices: Any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold.
40. Office machines, sales and service.
41. Office supply store.
42. Ornamental iron work and fence service.
43. Paint, wallpaper and floor coverings store.
44. Printing and publishing including processes related thereto.
45. Plumbing and heating and sheet metal shops (including punching of material of one-eighth (1/8) inch or less in thickness).
46. Radiator repair shop.
47. Radio and TV sales, repair, and broadcasting stations.
48. Resale shops, china, clothing and furniture but does not include "auction houses".
49. Shoe store; sale and repair.
50. Sign painting and servicing shops.
51. Special tools and gauges; checking and service.
52. Theater, drive-in type, also theatrical studios.

53. Tire and battery shops; rebuilding and recapping.
54. Travel agencies.
55. Stone cutting, providing cutting operations and conducted within a completely enclosed building.
56. Toys, playground equipment and variety stores.
57. Any other use which is determined by the Zoning Administrator to be of the same general character as the above Uses by Right but not including any use which is first permitted in the M District.
58. Warehousing facilities.
59. Distribution centers.

b. Conditional Uses:

1. Auction houses, provided, that merchandise for sale has been used (not new articles), there are no public auctions on Sunday, and all such auctions shall not continue after 12:00 midnight, and conducted within a building.
2. Automobile service stations, provided:
  - a. Premises used for such purposes shall not be less than two hundred (200) feet from any place of public assembly including any hospital, sanitarium, clinic or institution. Such measurement shall be along the usual line of street travel. Hereafter no gasoline filling and/ or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
  - b. Building used for such purposes shall not be nearer than seventy- five (75) feet from any R District.
  - c. Any minor automobile repair work, as defined in this chapter, shall be done within the principal building on the premises.
  - d. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the

buildings on the premises.

- e. When such use abuts the side and/or rear line of a lot in any R District, a compact evergreen hedge, solid wall or painted board fence not less than five (5) feet shall be maintained at the property line.
3. Automobile Automatic Wash and Polish Stations, provided, that:
    - a. All operations shall be within an enclosed buildings.
    - b. The building shall have a setback of not less than forty (40) feet from any street line.
    - c. All vehicles on the premises, other than those being serviced shall be provided with off-street waiting lanes and off-street parking space.
    - d. When such use abuts the side and/or rear line of a lot in any R District, a compact evergreen hedge, solid wall or painted board fence not less than five (5) feet shall be maintained at the property line.
  4. Veterinary hospital or kennels, animal hospital, veterinary clinic or kennel for household pets only, provided that:
    - a. There are no outside exercise runways or yards,
    - b. Any structure for such purposes shall be not less than seventy- five (75) feet from any other district.
  5. Motel; may include bar, small retail shops and restaurant.
  6. It is the intent herein to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the conversion to one, two, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use, subject to the following conditions:
    - a. The dwelling unit(s) shall be secondary and incidental to primary use permitted in the district.
    - b. The dwelling unit(s) shall be contained in the same structure as the primary use.

- c. Dwelling unit(s) shall be used exclusively for living accommodation. No storage or warehousing of goods and merchandise or the sale of said items shall be permitted.
- d. One off-street parking space shall be provided for each dwelling unit exclusive of those provided for the existing commercial establishment. All applicable regulations specified in Section 5.3 OFF-STREET PARKING REQUIREMENTS shall be complied with.
- e. The dwelling unit(s) shall comply in all respects with the Leoni Township Building Code, State Plumbing, Electrical, Energy and Fire codes and regulations.
- f. Every dwelling unit shall have not less than the required floor area specified under Section 5.20 FLOOR AREA REQUIREMENTS.

7. Planned Unit Development.

- 8. Because some uses are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development, especially when concentrated in a confined area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require, instead, their disbursal throughout the General Business District and the Highway Business District of the township to thereby minimize their adverse impact on any specific zoning district.

In order to prevent undesirable concentration of such uses, the following uses and activities shall not be located within 1000 feet of one other such use or any school, nor within 300 feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:

- 1. adult bookstore
- 2. adult motion picture theater
- 3. adult mini motion picture theater
- 4. adult smoking or sexual paraphernalia store
- 5. massage parlor
- 6. host or hostess establishments offering socialization with a host or hostess for a consideration

7. tavern or cabaret providing live or projected entertainment, including but not limited to adult live entertainment establishments where intoxicating liquors may or may not be sold for consumption on the premises. “Projected entertainment” shall not include standard television reception
8. any combination of the foregoing

For the purpose of interpreting the application of the foregoing limitations on certain businesses, the following terms or designations shall have the following meanings:

- a. Adult Bookstore: an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material;
- b. Adult Mini Motion Picture Theater: an indoor or outdoor theater or enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined for observation by patrons therein;
- c. Adult Motion Picture Theater: an indoor or outdoor theater or enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined for observation by patrons therein;
- d. Adult Smoking, Video or Sexual Paraphernalia Store: an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia or materials designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances;
- e. Massage Parlor: an establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating, or otherwise stimulating the same with hands,

- other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparation to provide relaxation or enjoyment to the recipient;
- f. Host or Hostess Establishment: establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee;
- g. Specified Sexual Activities:
- (1) acts of human masturbation, sexual intercourse or sodomy.
  - (2) fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts;
  - (3) human genitals in a state of sexual stimulation or arousal.
- h. Specified Anatomical Areas:
- (1) less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
  - (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

The township planning commission (where any of the foregoing regulated uses are special exception uses) and the township zoning board of appeals (where the foregoing regulated uses are “permissible uses”) may waive the foregoing spacing requirements if it finds the following conditions exist:

- a. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
- b. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and occupants and a disruption in neighborhood development;
- c. The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
- d. Where all other applicable regulations within the township zoning ordinance or other pertinent township ordinances will be observed.

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

See Section 4.6.

4.4.4 Highway Business District (B-5):

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 prepared 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.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the following Permitted Uses and accessory uses thereto or for one or several of the following Conditional Uses:

a. Permitted Uses:

1. Automobile service stations.
2. Sales, rental, service, and display of vehicles.
3. Drive-in retail and service establishments, except drive-in theaters.
4. On-site and off-site signs, only in accordance with regulations as specified in Article V, Section 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. Car wash facilities.

b. Conditional Uses:

1. Automobile and Truck Stop Stations.

- a. Buildings and premises may include refueling, lubrication, washing, tire servicing and minor repair facilities, separately or in conjunction with food and lodging accommodations, provided any area reserved for the outside parking or storage of automobiles or trucks shall be automobiles or trucks shall be screened from the highway and abutting properties by a compact evergreen hedge, solid wall or tight board fence at least six (6) feet in height.
  - b. Areas used for outside storage, parking or servicing of automobiles or trucks shall be properly graded for drainage, surfaced with concrete or asphalt and maintained in good condition, free of trash and debris.
  - c. No partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the buildings on the premises.
  - d. Buildings used for any one or all of the services enumerated in "a" shall be located at least fifty (50) feet from a public highway and from any R or AG District.
2. Drive-in theaters.
  3. It is the intent herein to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the conversion to one, two, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use, subject to the following conditions:
    - a. The dwelling unit(s) shall be secondary and incidental to primary use permitted in the district.
    - b. The dwelling unit(s) shall be contained in the same structure as the primary use.
    - c. Dwelling unit(s) shall be used exclusively for living accommodation. No storage or warehousing of goods and merchandise or the sale of said items shall be permitted.
    - d. One off-street parking space shall be provided for each dwelling unit exclusive of those provided for the existing commercial establishment. All applicable regulations specified in Section 5.3 OFF-STREET PARKING REQUIREMENTS shall be complied with.



- e. The dwelling unit(s) shall comply in all respects with the Leoni Township Building Code, State Plumbing, Electrical, Energy and Fire codes and regulations.
- f. Every dwelling unit shall have not less than the required floor area specified under Section 5.20 FLOOR AREA REQUIREMENTS.

4. Planned Unit Development.

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

See Section 4.6.

4.4.5 (RESERVED)

SECTION 4.5 - INDUSTRIAL DISTRICT

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 the Township of Leoni. In order that this value may be maintained and this use encouraged, this Ordinance has established two 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 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.

4.5.1 Light Industrial District (ML):

This district is composed of those areas of the Township whose principal use is and ought to be light manufacturing and other limited industrial uses. 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. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion of public streets and highways. 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 this district, have been excluded. When such use abuts the side and/or rear line of a lot in any R district,

a compact evergreen hedge, solid wall or painted board fence not less than five (5) feet shall be maintained at the property line.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the following Permitted Uses and accessory uses thereto or for one or several of the following Conditional Uses:

a. Permitted Uses:

1. Commercial laundries and dry cleaning establishments; and frozen food lockers and ice and cold storage plants.
2. Building material storage and sales.
3. Packaging of previously prepared materials, but not including the baling of discarded paper, rags, cloth, metal, iron, or other similar materials.
4. Printing, lithographic, blueprinting and similar uses.
5. Automobile repair garage; construction and farm equipment sales and repair; and contractor's equipment yards.
6. Warehousing, material distribution centers and wholesale sales establishments, provided all products and materials are enclosed within a building.
7. Skilled trade services including plumbing, electric and heating not engaged in any retail activities on the site.
8. Light industrial assembly which by the nature of the materials, equipment, and processes utilized are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: pharmaceutical; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising display; tents and awning; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell or yarn.
9. Research and testing facilities.

10. Essential service structures.
- b. Conditional Uses:
1. Restaurants.
  2. Bus, truck, taxi, and rail terminals.
  3. Trucking and cartage facilities including repairing and washing equipment and yards.
  4. Government or community buildings, but not including schools.
  5. Golf courses, including driving ranges.
  6. Telecommunications Towers.
- c. Area, Yard, Height, and Bulk Regulations:
- See Section 4.6.

#### 4.5.2 Heavy Industrial District (M):

This district is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this Ordinance and can assure protection of the public interest and surrounding property and persons. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall or painted board fence not less than five (5) feet shall be maintained at the property line.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the following Permitted Uses and accessory uses thereto or for one or several of the following Conditional Uses:

- a. Permitted Uses:
1. Manufacturing, Processing and/or Fabrication. Any structure used therefor shall be not less than one hundred (100) feet from any R or AG District:
    - a. Automotive and aircraft parts (not including tires) and metal working excluding presses of over twenty (20) tons capacity and machine operated drop hammers.
    - b. Automotive assembling and including major repair.

- c. Bag, rug and carpet cleaning.
- d. Bakery; large wholesale and chain types.
- e. Bottling plant, brewery, dairy products plant.
- f. Candy, potato chips, flavoring extracts.
- g. Cleaning or dyeing plants and laundries.
- h. Cold storage plant.
- i. Electrical equipment and motor assembly.
- j. Electric foundry or small foundry for nonferrous metals.
- k. Experimental laboratory.
- l. Felt and felt products.
- m. Flexible hose lines and fittings; basic manufacture.
- n. Garage maintenance tools and equipment.
- o. Garment making; apparel and accessories.
- p. Heating and air conditioning equipment.
- q. Mattress making and box springs.
- r. Paper products fabrication.
- s. Pharmaceutical, cosmetics and toiletries.
- t. Plastic products from purchased plastic materials.
- u. Professional and scientific instruments.
- v. Surgical supports and hospital equipment.
- w. Tool and die shops - screw machine products.
- x. Tube fabrication; bending and welding.
- y. Wire fabricators.

- z. Wood products assembly.
  - aa. Any other light manufacturing, processing and/or fabrication but not including any uses specifically listed in Section 4.5.2.a.2.
2. Manufacturing (basic), Processing and/or Fabrication. Any structure used therefor shall be not less than two hundred (200) feet from any R or AG District:
- a. Abrasive, acid, alcohol, ammonia and asbestos.
  - b. Bone black, carbon black, and lamp black.
  - c. Brick, clay, tile manufacture.
  - d. Canning and preserving plants.
  - e. Charcoal and coke; basic manufacture.
  - f. Chemicals; manufacture or processing.
  - g. Cinder block fabrication.
  - h. Creosote treatment.
  - i. Detergents, soaps and by-products.
  - j. Forge plant, foundries.
  - k. Fungicides and insecticides.
  - l. Galvanizing and anodizing processes.
  - m. Gases, manufacture.
  - n. Glass products.
  - o. Glue, size or gelatin; manufacture.
  - p. Grain milling and mixing.
  - q. Graphite manufacture.
  - r. Insulation, manufacture or fabrication.

- s. Metals, ingots, castings, sheets, bars or rods.
  - t. Oils and fats, animal or vegetable; manufacture.
  - u. Paints, pigments, enamels, japans, lacquer, varnishes.
  - v. Paper pulp and cellulose.
  - w. Paraffin, wax and wax products.
  - x. Petroleum and petroleum products; refining and processing (buildings and/or plant to be located not less than one hundred fifty (150) feet from boundary line of lot).
  - y. Plastics; basic manufacture.
  - z. Plating of metals.
  - aa. Rubber and rubber products; manufacture.
  - bb. Sauerkraut, vinegar and yeast; manufacture.
  - cc. Sawmill or planing mill.
  - dd. Serums, toxins, viruses; manufacture.
  - ee. Any other basic manufacturing, processing and/or fabrication, but not including any specifically listed in Section 4.5.2 b and/or those prohibited by any other law or ordinance.
3. Sale at Wholesale and Retail; Warehousing and Storage; and Repair, Rental and Servicing of any of the uses enumerated in Sections 1 and 2 above, provided any building used for such purpose shall be located not less than seventy-five (75) feet from any R or AG District.
4. Other Uses by Right:
- a. Canteen service.
  - b. Carnival, circus or other temporary outdoor entertainment, provided, however, that the location and a permit therefore shall be provided by the Township Board.
  - c. Contractor's yards for vehicles, equipment, materials and/or supplies, but excluding asphalt and cement mixing, provided

that such yards shall be not less than two hundred (200) feet from any R or AG District.

- d. Gasoline service station, provided building used for such purposes shall not be nearer than fifty (50) feet from any R or AG District.
- e. Landing field for airport or rotocraft, provided any hangar or servicing facilities shall be not less than five hundred (500) feet from any R or AG District.
- f. Municipal buildings, including warehouses, outside storage and garages, provided that such buildings and premises shall be not less than one hundred (100) feet from any R or AG District.
- g. Parking and/or storage yards for motor vehicles (no junked vehicles) and including transport equipment, provided such yards shall be not less than two hundred (200) feet from any R or AG District.
- h. Trucking freight terminal and yards, provided such buildings shall be not less than two hundred (200) feet from any R or AG District.

b. Conditional Uses:

- 1. Alkali plants; manufacture.
- 2. Asphalt plants.
- 3. Automobile wrecking and salvage yards.
  - a. The owner, lessee or user of premises storing vehicles or chassis shall apply to the Township Board for authorization to do the same; such authorization may be granted subject to reasonable regulations protecting the public health, safety and welfare, including but not limited to sufficient lot size and screening of stored vehicles from the public.
- 4. Building materials salvage yard.
- 5. Bulk storage of explosives.
- 6. Cement manufacture and concrete mixing operations.

7. Fertilizer manufacture.
8. Gravel and rock crushing operations.
9. Gypsum and other forms of plaster base manufacture.
10. Incinerators or reduction of garbage, refuse, bones, offal or dead animals.
11. JUNK YARD. The Township Board authorization shall only be granted after full compliance with an ordinance enacted May 9, 1950 dealing with the licensing and regulation of junk yards. Any Township Board authorization shall be conditioned upon continued compliance with the provisions of the said junk yard ordinance dated May 9, 1950.
12. Meat slaughtering.
13. Sanitary landfill and/or dump.
14. Stock yards, livestock auction yard.
15. Storage of liquid petroleum gas, 500 gallons or over.
16. Storage of flammable liquids, 3,000 gallons or over.
17. Any other industrial use which is determined by the Township Board to be of the same general character or similar nature as the above listed uses and is not prohibited by any other law or ordinance, provided, application is made to the Township Board and a permit is issued for the operation thereof subject to Article 5, Section 5.8 and other limitations as follows:
  - a. Every structure or premises used for such purposes shall be located not less than five hundred (500) feet from any R, AG or B District.
  - b. Every structure or premises used for such purposes shall be located not less than one hundred (100) feet from any enumerated uses in Section 4.5.2.A, 1, 2, 3, 4.
  - c. The Township Board may prescribe such additional limitations as are in its opinion necessary to secure the objectives of this Ordinance.
18. AUTOMOBILE STORAGE YARDS. These premises shall be



used for the storage of vehicles bearing a current license plate as of the time the vehicle is placed upon the premises, and shall not be used for the stripping, salvaging, scavenging, or dismantling of vehicles or vehicle parts.

The sale of junked vehicles, which are vehicles that have been wrecked or salvaged and are inoperative or obsolete, at the site of an automobile storage yard must be conducted within the screened portion of the lot. The sale of used vehicles, which are vehicles that bear a current license plate as of the time the vehicle is placed upon the premises and vehicles in an operative condition, at the site of an automobile storage yard can be conducted anywhere within the screened portion of the lot or outside the screened portion of the lot in the front yard only.

19. Also Light Industrial use.
20. Telecommunications Towers.

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

See Section 4.6.

## SECTION 4.6 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS

Zoning District	Zoning Symbol	LOT REQUIREMENTS			MAXIMUM ALLOWED DENSITY (Dwelling Units per Gross Acre)***	MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT REQUIREMENT (See 2.2.10)		MINIMUM TRANSITION STRIP REQUIREMENTS	REMARKS
		Minimum Lot Areas	Minimum Lot Width	Maximum Lot Coverage		Front	Side	Rear	Principal	Accessory		
Agricultural	AG	$\frac{2 \text{ acres}}{5 \text{ acres}}$	200'	10%	$\frac{0.5}{---}$	60'	30' 60**	50'	2½ story or 35'	*****80'	None	<u>Single-Family detached dwelling.</u> All other uses.
Rural Non-Farm Residential	RNF	$\frac{1 \text{ acre}}{2 \text{ acres}}$	150'	20%	$\frac{1.0}{---}$	60'	20' 60**	35'	2½ story or 30'	12'	None	<u>Single-family detached dwelling.</u> All other uses.
Suburban Residential	RS	$\frac{20,000 \text{ sq.}'}{1 \text{ acre}}$	$\frac{75'}{120'}$	25%	4.3	35'	10' 25' tot. 35'	20'	2½ story or 30'	12'		<u>Single-family detached dwelling with central sewage.</u> All other uses.
Single Family Residential District	R-1	$\frac{7,500 \text{ sq.}'}{20,000 \text{ sq.}'}$	$\frac{60'}{100'}$	25%	$\frac{5.8}{---}$	25'	10' 25' tot. 35**	25'	2½ story or 30'	12'	None	<u>Single-family detached dwelling with public sewer.</u> All other uses.

\* Corner Lot.

\*\* (See 4.6.4B) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.

\*\*\* Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 sq. ft.), inclusive of streets, parks, all other land uses.

\*\*\*\* 17.2 units for the first acre, plus 21.7 units per acre for each additional acre.

\*\*\*\*\* Does not include signs.

## SECTION 4.6 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS

Zoning District	Zoning Symbol	LOT REQUIREMENTS			MAXIMUM ALLOWED DENSITY (Dwelling Units per Gross Acre)***	MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT REQUIREMENT (See 2.2.10)		MINIMUM TRANSITION STRIP REQUIREMENTS	REMARKS
		Minimum Lot Areas	Minimum Lot Width	Maximum Lot Coverage		Front	Side	Rear	Principal	Accessory		
High Density Residential and Office District	R-4	$\frac{10,000 \text{ sq. '}}{15,000 \text{ sq. '}}$ ½ acre	200'	---	$\frac{4.3}{17.2}$ ---	25'	25' tot. 35'*	25'	or 35'	12'	As Required	<u>Two-family detached dwelling</u> 15,000 sq. ft. first three (3) dwellings plus. <u>3,000 sq. ft. for ea. add'l. dwelling</u> All other dwellings.
Planned Residential Development	PR-1	(See PR-1 District)									None	----
Mobile Home Residential****	RM	For Mobile Home Parks:			$\frac{---}{8.7}$	20' 8' tot.	25' 10' tot.	20' 8' tot.	1 story or 15'	12'	See MH-1 District	Minimum Site size of a Mobile Home Park. <u>Mobile home site within a Mobile Home Pk.</u>
		$\frac{10 \text{ acres}}{5,000 \text{ sq. '}}$	66'	20%								

\* Corner Lot.

\*\* (See 4.6.4B) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.

\*\*\* Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 sq. ft.), inclusive of streets, parks, all other land uses.

\*\*\*\* Does not include signs.

SECTION 4.6 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS

Zoning District	Zoning Symbol	LOT REQUIREMENTS			MAXIMUM ALLOWED DENSITY (Dwelling Units per Gross Acre)***	MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT REQUIREMENT (See 2.2.10)		MINIMUM TRANSITION STRIP REQUIREMENTS	REMARKS
		Minimum Lot Areas	Minimum Lot Width	Maximum Lot Coverage		Front	Side	Rear	Principal	Accessory		
Neighborhood Business	B-1	10,000 sq. ' 15,000 sq. '	80' 100'	25%	---	35'	20' 35**	35'	25'	25'	4'-6' ht. fence and 5' wide strip or a solid masonry wall of 4'-6' in ht. if abutting a residential district. Also 20' deep landscaped strip along public street if adjacent to a public street.	With central sewage and water systems. Without central sewage and water system.
Community Business	B-2	10,000 sq. ' 15,000 sq. '	80' 100'	25%	---	35'	20' 35**	20'	35**	35**	6'-8' ht. fence not more than 50% void (to provide ventilation and light). The minimum dimension of any opening not greater than 4" and a 120' wide buffer strip or a 6'-8' solid masonry wall if abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	With central sewer and water systems. Without central sewage and water systems.

\* Corner Lot.

\*\* (See 4.6.4B) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.

\*\*\* Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 sq. ft.), inclusive of streets, parks, all other land uses.

\*\*\*\* Does not include signs.

## SECTION 4.6 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS

Zoning District	Zoning Symbol	LOT REQUIREMENTS			MAXIMUM ALLOWED DENSITY (Dwelling Units per Gross Acre)***	MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT REQUIREMENT (See 2.2.10)		MINIMUM TRANSITION STRIP REQUIREMENTS	REMARKS
		Minimum Lot Areas	Minimum Lot Width	Maximum Lot Coverage		Front	Side	Rear	Principal	Accessory		
General Business	B-4	10,000 sq. ft. 15,000 sq. ft.	80' 100'	25%	---	35'	20' 35**	20'	35**	35**	6'-8' ht. fence not more than 50% void (to provide ventilation and light). The minimum dimension of any opening not greater than 4" and a 10' wide buffer strip or a 6'-8' solid masonry wall if abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	With central sewer and water systems. Without central sewage and water systems.

\* Corner Lot.

\*\* (See 4.6.4B) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.

\*\*\* Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 sq. ft.), inclusive of streets, parks, all other land uses.

\*\*\*\* Does not include signs.

SECTION 4.6 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS

Zoning District	Zoning Symbol	LOT REQUIREMENTS			MAXIMUM ALLOWED DENSITY (Dwelling Units per Gross Acre)***	MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT REQUIREMENT (See 2.2.10)		MINIMUM TRANSITION STRIP REQUIREMENTS	REMARKS
		Minimum Lot Areas	Minimum Lot Width	Maximum Lot Coverage		Front	Side	Rear	Principal	Accessory		
Highway Business	B-5	25,000 sq. '	100'	25%	---	35'	20' 35**	20'	35'	35*****	6'-8' ht. fence not more than 50% void (to provide ventilation and light). The minimum dimension of any opening not greater than 4" and a 15' wide buffer strip or a 6'-8' solid masonry wall if abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	---
Light Industrial	ML	20,000 sq. '	100'	25%	---	35'	20' 35**	35'	35'	35'	Buffer strip be 5' wide and a solid masonry wall not less than 6' but not greater than 8' in ht. if abutting a residential or commercial district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	---
Heavy Industrial	M	3 acres	300'	25%	---	50'	60'	60'	35'	35'	Less than 6' but not greater than 8' in height if abutting a residential or commercial district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	---

\* Corner Lot.

\*\* (See 4.6.4B) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.

\*\*\* Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 sq. ft.), inclusive of streets, parks, all other land uses.

\*\*\*\* Does not include signs.

4.6.1 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.
- d. No basement or cellar shall be erected for dwelling purposes except after approval by the Leoni Township Zoning Board of Appeals.

4.6.2 Yard Measurements:

- a. Lots which abut on more than one street shall provide the required front yards along every street.
- 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.

4.6.3 Lot Width:

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirements shall not apply.



4.6.4 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 by the Board of Appeals 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 and compatibility with existing structures heights can be demonstrated.

4.6.5 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 be placed not less than five (5) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed ten (10) feet side wall height with a 4/12 pitch not over thirty (30) feet wide.
- c. All accessory structures in non-residential districts shall be subject to the same standards and requirements as specified in Tables of Section 4.6.

4.6.6 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.

SECTION 4.7 - PLANNED UNIT DEVELOPMENT DISTRICT (PUD):

The intent of this district is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township; and encourage the use, reuse and improvement of existing sites and buildings when the uniform regulations contained in other zoning districts do not provide adequate protections and safeguards for the site or surrounding area.

This district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes above.

The use of Planned Unit Development (PUD) has been established as a specific district for residential purposes only, and a conditional use for those developments which include mixed use, including high density residential and office/commercial, or separate commercial or industrial uses in a park-like setting. The use of shared entrances/exits, common landscape treatment, and shared signage treatment provide enhanced identification, improved efficiency and possible cost savings through flexibility in design.

a. Permitted Uses:

1. All residential uses, business uses, office uses, light industrial uses, research uses, and all commercial uses or combination of uses may be permitted in a planned unit development.

b. Accessory Uses:

1. Any accessory use permitted in the residential, business and light industrial district in accordance with the regulations stated in Section 4.6.5 of the

Zoning Ordinances.

c. PUD Planned Unit Development Regulations and Standards for Approval

The following provisions shall apply to all PUD zoning classifications:

1. Ownership. The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.
2. Establishment, Amendment Procedure. A PUD zoning classification shall be established, amended or removed pursuant to the procedure set forth in Article VIII of the Zoning Ordinances and the additional procedures set forth in this Section; provided, however, that a PUD zoning request may be initiated only by a property owner or a property owners legal representative.
3. Standards for Approval. Based upon the following standards, the Planning Commission may recommend denial or approval, and Township Board may deny or approve the proposed Planned Unit Development.
  - a. The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed shall not adversely affect the public utility and circulation systems, surrounding properties, or the environment. This beneficial effect for the Township (not the developer) shall be one which could not be achieved under any other single zoning classification.
  - b. The uses proposed shall be consistent with the land use plan adopted by the Township.
  - c. The zoning is warranted by the design and amenities incorporated in the development proposal.
  - d. Usable open space shall be provided at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The Township Board may, if deemed appropriate, require for Planned Unit Developments more or less usable open space than that required by this Ordinance.
  - e. Off-street parking shall be sufficient to meet the minimum required by the Zoning Ordinance. The Township Board may, if deemed appropriate, require for Planned Unit Developments more or less parking than that required by this Ordinance.

- f. Landscaping shall be provided so as to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property to meet the minimum requirements of the Zoning Ordinance. The Township Board may, if deemed appropriate, require for Planned Unit Developments more or less landscaping than that required by this Ordinance.
  - g. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested, and well-defined circulation within and to the district shall be provided.
  - h. Major natural, historical and architectural features of the district shall be preserved.
4. Approval Procedure. The PUD zoning approval shall involve two phases. The preliminary phase shall involve a review of the conceptual PUD development plan to determine its suitability for inclusion in the land use and zoning plans of the Township and adoption by the Township Board as part of the Zoning Ordinance. The final phase shall require detailed site plans for any part of the conceptual PUD development plan prior to the issuance of building permits.
5. Material to be Submitted. The applicant for any PUD zoning classification shall submit the following technical and/or graphic materials together with the application for a PUD classification preliminary phase approval:
- a. A complete amendment petition as required by this Ordinance, together with a PUD development plan showing all uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, (other than dwelling), total number and size of dwelling units, floor area per habitable space, and total open space.
  - b. The PUD development plan shall indicate the entire contiguous holdings of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed, which plan shall exhibit any unusual problems of topography, utility service, land usage or land ownership; said plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or the land development regulations.
  - c. The applicant shall present material as to the development's objectives and purposes to be served; economic feasibility-

ty; conformity to plans and policies of the Township; market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.

- d. By special request of the Township Board, a work study model indicating the three-dimensional character of the proposal shall be presented if there is a proposed addition to the floor area of an existing building which results in an increase in land coverage or building height, or if any new buildings are proposed to be constructed. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written materials requested by Planning Commission or Township Board to assist the Township in visualizing and understanding the proposal shall be submitted.

6. PUD Development Plan Review.

- a. The Planning Commission shall hold a meeting at which the petitioner shall present the proposed PUD development plan and the Commission shall provide the petitioner with its comments within thirty (30) days after holding such a meeting. No fees shall be charged for said preliminary meeting.
- b. The petitioner shall next submit to the Clerk sufficient copies of the PUD development plan together with appropriate review fees. Copies of the plan as submitted shall be distributed promptly by the Clerk to the appropriate governmental agencies for review to determine if the development concept can be accommodated by the existing public utility, street, and general governmental service facilities, or if any additions to, or extension of facilities are necessary for the project.
- c. The Planning Commission shall notify the petitioner of any questions raised by the governmental agencies during said review and shall submit like information to the Planning Commission for its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of that part of the Township in which it is located.
- d. The Planning Commission shall, after holding a public hearing on said PUD development plan and reviewing said reports, make its recommendation to the Township Board on said plan within sixty

(60) days of its date of filing unless said time is agreed to be extended by the petitioner in writing; provided that the Planning Commission may extend this time for periods not to exceed thirty (30) days each of such extensions are necessary for adequate review.

- e. If the PUD development plan is rejected by the Planning Commission, its reasons therefore shall be specified in writing and approved by the Planning Commission.
- f. The Planning Commission's recommendations and all related reports shall be submitted to the Township Board for its consideration. The Township Board shall, after holding a public hearing on the PUD development plan and petition, take final action on said plan and petition within ninety (90) days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.
- g. Any conditions of approval required by the Township Board shall be satisfied by the petitioner or owner prior to subsequent final phase site plan approval and prior to the issuance of any building permits. The Clerk shall keep a special record of all approved PUD development plans and approval conditions.

7. Effect of Preliminary Phase Approval of PUD Development Plans.

Approval of the PUD development plan by the Township Board shall rezone the property to a "PUD" zoning classification for uses as shown on the PUD development plan and shall confer upon the owner the right to proceed through the subsequent planning phase in accordance with regulations and ordinances in effect at the time of the Township Board's approval for a period not to exceed three (3) years from date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase site plans have not been submitted for approval before the termination of said three (3) year period, said subsequent site planning must conform to the regulations, ordinances and laws in effect at the time said site plan is submitted.

8. Final Phase of PUD Site Plan Approval.

- a. The petitioner shall submit to the Clerk sufficient copies of the PUD site plan for all or any part of the development, in accordance with the uses and concepts as shown on the approved PUD development plan, together with appropriate review fees. The site plan for each

stage shall include final detailed information required in Section 5.6.

- b. Copies of this PUD site plan as submitted shall be distributed promptly by the Clerk to the appropriate governmental agencies for review and comment regarding the legal requirements of the Township.
- c. By special request of the Board, a detailed scale model indicating the three-dimensional character of the proposal will be required if there is a proposed addition to the floor area of an existing building which results in an increase in land coverage or building height, or if any new buildings are proposed to be constructed. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written materials requested by Planning Commission or Township Board to assist the Township in visualizing and understanding the proposal shall be submitted.
- d. A detailed listing of existing and/or proposed exterior materials shall be provided and will become part of the PUD site plan.
- e. The Planning Commission shall notify the petitioner of any questions raised by the governmental agencies during said review and shall consider like information.
- f. The Planning Commission shall, after holding public hearing(s) on said PUD site plan, make its recommendation to the Township Board within sixty (60) days of its date of filing unless said time is agreed to be extended by the petitioner in writing; provided that the Planning Commission may extend such time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.
- g. If the PUD site plan is rejected by the Planning Commission, its reasons therefore shall be specified in writing and approved by the Planning Commission.
- h. The Planning Commission's recommendations and all related reports shall be submitted to the Township Board for its consideration.
- i. The Township Board shall, after holding public hearings on said PUD site plan, take final action within thirty (30) days of the date of the recommendations by the Planning Commission unless said time is agreed to be extended by the petitioner in writing; provided, that

the Township Board may extend such time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.

- j. If the site plan is rejected by the Township Board, its reasons shall be based upon the standards of review listed above, specified in writing, and approved by the Township Board.
- k. Approval of the final PUD site plan shall entitle the petitioner to apply for building permits.

9. Time for Completion of Development. The proposed Planned Unit Development District and all proposed buildings, parking spaces, landscaping, usable open space, and amenities must be started with in three (3) years of the establishment of the district and work must be continued in a reasonably diligent manner and completed within five (5) years of the establishment of the district. Said five (5) year period may be extended if applied for by the petitioner and granted by the Board in writing following public notice and public hearings as defined in the Zoning Ordinance. Failure on the part of the petitioner to secure the written extension shall result in the stoppage of all construction.

10. Deviations from Approved PUD Site Plan.

a. Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or Township Board action thereon if the heads of the appropriate governmental agencies and Zoning Administrator certify in writing that the proposed revision constitutes a minor alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by Planning Commission and Township Board. The Zoning Administrator shall record all such changes on the original PUD site plan and shall advise Planning Commission and Township Board of all said minor revisions within fifteen (15) days of said administrative approval. Minor alterations or revisions under this section shall be limited to:

- 1. Additions or relocation of fire escapes.
- 2. Shifting of building heights and elevations, providing such shifting does not exceed ten (10%) percent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
- 3. Construction of additional or alteration of approved side-



walks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.

4. Shifting of, additions to, or changes in species of landscape materials, provided that such change does not reduce the minimum landscape requirements.
  5. Relocation of refuse collection stations.
  6. Internal rearrangement of parking lots and curb cut locations provided such functional rearrangement does not reduce the total number of parking spaces required and further provided that the minimum landscape requirements are maintained and further provided that such rearrangement does not inhibit good traffic flow or circulation.
  7. Any decrease in building size or changes in bedroom counts per dwelling unit is no more than ten (10%) percent of the total number of units.
  8. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
- b. A PUD final phase PUD site plan approval shall be assigned only after Township Board approval of the preliminary phase PUD development plan and rezoning of the property as required by this Ordinance. Any deviation from the approved PUD site plan, except as authorized in subsection (10)(a) above, shall be considered a violation of this Ordinance and is subject to the penalties stated in the Township Zoning Ordinances. Further, any such deviation shall result in notice of the owner that rezoning procedures will be initiated by the Township Board.
- c. Major deviations from the approved PUD Site Plan shall be permitted upon completion of requirements of Section 8 and approval of the Township Board upon recommendation of the Planning Commission in accordance with the section (Section 4.7) of the Zoning Ordinance.

## ARTICLE V

### SUPPLEMENTAL REGULATIONS

#### SECTION 5.1 - PURPOSE

It is the purpose of this article of this ordinance to provide regulations and requirements for signs to be low profile and aesthetically appealing, 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 and Neighborhood Business District, signs may be illuminated only by non-flashing light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets.
- d. In the Community Business, General Business and Highway Business Districts; and the Light Industrial and Heavy 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. All signs shall be placed no closer to the street right-of-way line than one-half the minimum authorized front yard depth.
- f. In all Business and Industrial Districts, a sign designed as portable or mobile which is in compliance with Section 5.2 may be used on each street frontage. A valid permit will be required for each sign in each location. Permits shall be issued for a maximum of thirty (30) days. No more than three (3) permits shall be issued in any twelve (12) month period.

Each sign will further comply with the following:

1. Signs shall be marked with manufacturer's name.
2. Signs shall be listed with a recognized testing laboratory in accordance with the National Electrical Code.
3. Sign Troughs, Tube Terminal Boxes, and other metal frames shall be grounded.
4. Signs shall be plugged into an approved exterior outlet.
5. Electrical conductors of an appropriate rating and listed for such outdoor use and approved by a testing laboratory shall be used, and shall not be run on vehicle driveways or walkways.
6. The complete sign unit shall be firmly anchored to the ground or to a structure.

5.2.2 Permitted On-Site Signs in Agricultural District:

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

- a. One on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- b. One on-site sign announcing a home occupation not to exceed three (3) square feet in area.
- c. One on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
- d. One 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 lot in residential districts. The maximum height of these signs shall not exceed eight (8) feet.

- a. One on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- b. One 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 on-site sign advertising a recorded subdivision or development not to exceed thirty-two (32) square feet in area. Such sign shall be removed within one year after the sale of seventy-five (75) percent of all lots or units within said subdivision or development.
- d. One 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 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 Neighborhood Business District:

The following on-site signs are permitted on any one lot in the Neighborhood Business District. The maximum height of these signs are not to exceed twelve (12) feet in height.

- a. One on-site free-standing 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 on-site free-standing identification sign may be erected for a neighborhood shopping center. Such sign shall not exceed thirty- two (32) square feet in area, nor be closer to the front, side, or rear property line than one-half the distance of the required setback.
- c. One 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 the distance of the required setback.

5.2.5 Permitted On-Site Signs in Community Business, General Business and Highway Business Districts, and all Industrial Districts:

The following on-site signs are permitted on any one lot in the Community Business, General Business, and Highway Business Districts, and all Industrial Districts. The maximum height of these signs shall not exceed:

- 1) Community Business - 20'-0 in height.
- 2) General Business - 20'-0 in height.

- 3) Highway Business - 20'-0 in height.
- 4) Industrial Districts - 12'-0 in height.
- \*5) Inter-State Highway = 50'-0 in height.

(\* ) I-94 and US-127 only.

- a. One 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 (½) square foot for each foot in length or height of the wall.
- b. One 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 the distance of the required building setback.
- c. One 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, nor be closer to the front, side, or rear property line, than one-half 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 Business District, all Industrial Districts, and the Agricultural District 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 district 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 shall one

sign be located 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 shall 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 flat on the main building or fuel pump canopies.

5.2.8 Elimination of Nonconforming Signs:

The provisions of Article V, Section 5.7 shall apply to all nonconforming signs.

**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. Access routes shall be limited and defined.

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 buildings.

5.3.2 Location of Off-Street Parking Area:

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 the distance shall not exceed one hundred fifty (150) feet for any dwelling unit. This distance specified shall be measured from the nearest point of the

parking facility to the nearest point of the building or use that such facility is required to serve.

5.3.3 Parking in Residential Districts:

Parking in residential districts shall be limited to passenger vehicles, pickup trucks, vans and not more than one commercial vehicle of the light delivery type providing no such vehicles shall exceed a one (1) ton rating. The parking of any other type of commercial vehicle is prohibited in a residential zone. However, recreation vehicles are exempt from this provision.

5.3.4 Off-Street Parking Area Design:

- a. Each off-street parking space for automobiles shall be not less than nine (9) feet in width and eighteen (18) feet in depth for all angular, perpendicular, or parallel type parking, exclusive of access drives or aisles, and shall be of usable shape and condition.
- b. There shall be provided a minimum access drive of twelve (12) feet in width for one-way traffic and twenty (20) feet for two-way traffic, 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 spaces. The minimum width of such aisles shall be:
  1. For ninety (90) degree of 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.
  3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width, for one way traffic and eighteen (18) feet in width for two-way traffic.
  4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- d. There shall be provided sufficient pedestrian walkways to assure pedestrian safety from parking space to use structures.
- e. 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.

- f. 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.
- g. 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 or institutional premises, or public roadways.
- h. 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.
- i. All off-street parking areas that make it necessary for vehicles to back out directly into 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 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 measurement 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 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 ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) 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>
Automobiles or Machinery Sales	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.
Distribution Centers	Five (5) parking spaces, plus one (1) space for every one (1) employee in the largest work shift or one (1) for every seventeen hundred (1700) square feet of usable floor space, whichever is greater.
Drive-in Establishments.	One (1) space for each fifteen (15) square feet of building space.
Dwelling Unit.	Two (2) spaces for each family or dwelling unit; except for housing constructed for the elderly, in such case 3/4 spaces per unit shall be provided.
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 which ever is greater.
Furniture, Appliance Stores, Household Equipment and Furniture 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.

<u>Use</u>	<u>Parking Space Requirements</u>
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 four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.
Manufacturing, Fabricating, Processing & Bottling Plants, mum Research & Testing Laboratories.	One (1) space for each two (2) employees on maxi shift. In addition, designated unimproved spaces must be provided on site to enable continued compliance with the preceding paragraph.
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	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.
Super Market, 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.

Use

Parking Space Requirements

Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seven-hundred (700) square feet of usable floor space, whichever is greater. In addition, designated unimproved space must be provided on the site to enable compliance with the preceding paragraph.

5.3.8 Exception:

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Zoning Administrator 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 Zoning Administrator 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 measured from lot line 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.

5.4.3 Off-Street Loading Area Space Requirements:

- a. In the case of mixed uses on one 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 Leoni into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of Leoni Township. Such uses, on account of their peculiar location need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

5.5.1 Authority to Grant Permits:

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Leoni Board to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Leoni Township Board may determine for all conditional uses specified in the various district provisions of this Ordinance.

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 Leoni Township Clerk by filling in an official conditional use permit application form, submitting required data, exhibits, and information and depositing the required fee as established by resolution of the Leoni Township Board. No part of such fee shall be returnable to the applicant.

5.5.3 Data, exhibits, and Information Required in Application:

An application for a conditional use permit shall contain 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; an accurate survey drawing of said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

5.5.4 Public Hearings:

The Planning Commission shall hold a public hearing upon any application for a conditional use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township of Leoni, within fifteen (15) days but not less than three (3) days next proceeding the date of said hearing.

Notice of the public hearing shall be sent at least ten (10) days prior to the hearing to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to occupants of all single and two-family dwellings within 300 feet.

5.5.5 Required Standards and Findings for Making Determination:

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence to determine if such a use on the proposed site, lot, or parcel meets the following requirements:

- a. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- b. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.

- c. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public cost for public facilities and services.

5.5.6 Determination and Imposition of Conditions:

If the facts presented in the case do not reasonably establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Township Board that said Township Board should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Township Board, the Planning Commission shall recommend such conditions of use as it deems necessary and reasonable, and the reasons therefore to protect the best interest of Leoni Township and the surrounding property owners, and occupants to achieve the objectives of this Ordinance.

5.5.7 Approval, Grant or Permit:

Upon holding a public hearing and the finding that the requirements of subsection 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 or disapproval to the Leoni Township Board. When the Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall within forty-five (45) days grant or refuse such permit, and if granted, shall forward copies of this 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 and determined that the stipulated conditions have been met.



5.5.8 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 a period of not more than two hundred ten (210) days and completed within a period of not more than five hundred and seventy- five (575) days of the date of issuance. The period for initiating and completion of said conditional use permit shall be determined at the time the conditional use permit is granted. No use provided for under the conditional use granted shall be initiated until all the terms and conditions of the conditional use are met.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Township Board Commission to terminate and cancel said conditional use permit.

A performance bond may be required by the Leoni Township Board as specified in Section 2.1.

5.5.9 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 size development requirements as herein specified. The Zoning Board may impose additional conditions and safeguards when deemed necessary by that body.

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, or greater distance as may be required by prevailing conditions.

4. On said lot all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet to any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads 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 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, watercourse, 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 (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 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 the Township of Leoni a performance bond, payable to the Township of Leoni 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 Leoni Township Board. 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 approved 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 erected and maintained in good repair 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 or 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 a 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 and 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 of front 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 or exit of 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 Parks:

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

1. All mobile home parks shall comply with the general rules of the Michigan Mobile Home Commission as established in compliance with Act No. 419 of the Public Act of 1976, as amended, for the State of Michigan.

e. Off-site Sludge Storage Facilities and Lagoon or Water Reservoirs

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

1. All sludge storage facilities shall comply with the general rules and regulations of the Department of Natural Resources for obtaining a use permit.
2. All sludge storage facilities, lagoons and/or water reservoirs shall be enclosed by a screen fence at least seven (7) feet in height. The fence shall be of sound construction and neatly finished.
3. 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 the facility shall be operated from each public road on which the lot abuts.

f. Telecommunications Towers

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

1. In order to contain falling ice or debris from tower failure on site, the base of a freestanding (monopole) or guy-wired (lattice) tower shall be set back from abutting residential districts, streets or public property as follows:
  - a) The minimum setback of towers shall be twenty (20) percent of the tower height of freestanding (mono-pole) towers or the distance between the tower base and guy wire anchors of guy-wired (lattice) towers.
  - b) Guy wire anchors shall be set back seventy-five (75) feet from all property line.
2. The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence topped with three (3) strands of barb wire or an eight foot tall chain link fence.
3. A six (6) foot tall landscaped screen is required to screen the towerbase from adjacent residential districts, streets and public property.

4. Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.
5. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
6. Application must be made for a building permit, and the following information must be submitted:
  - a) Site plan of the proposed tower location showing all existing and proposed features of the site.
  - b) Elevation(s) of the proposed tower height above grade, and any other improvements.
  - c) Documentation of the purpose of the tower, the number and type of users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety.

#### 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 detailed site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

- a. A multiple-family building containing six (6) or more dwelling units.
- b. More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
- c. A mobile home park.
- d. Planned unit development.
- e. A commercial land use.
- f. An industrial land use.

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 Leoni Township Board. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan. Such application shall be dated and initialed by the Township Clerk or the Clerk's deputy.

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. 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 two hundred (200) feet,

and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.

- b. 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 designed.
- c. The site plan shall show the scale; north arrow; boundary dimensions; topography (not more than two foot contour intervals); and natural features such as, wood lots, streams, rivers, lakes, drains, and similar features.
- d. 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.
- e. 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 type.
- f. 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.
- g. 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.
- h. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

#### 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. 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 demonstrated and met by the applicant.

5.6.6 Planning Commission Approval of Site Plan:

Upon the Planning Commission recommended approval of a site plan, the applicant shall file with the Planning Commission 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 Commission action. The Zoning Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

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.

5.6.9 Sketch Plan Review:

The township shall require that those conditional uses not required to submit a formal site plan shall provide a basic sketch plan for purposes of review prior to approval.

1. The following buildings, structures or uses shall be required to submit a sketch plan as part of the approval process for obtaining a conditional use permit:
  - a. Single-family dwellings (Open Space and High Density Res./ Office Districts).

- b. Essential Services.
- c. Public or non-profit structures or uses, including parks, golf courses, community centers or other uses not defined by the ordinance as a commercial land use.

2. Application for Sketch Plan Approval.

- a. In order to allow the Township Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed design investment, the developer shall submit a Sketch Plan of his proposal to the Township Planning Commission. The Sketch Plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:
  - (1) Boundaries of the property.
  - (2) The location of the various uses and their areas in acres.
  - (3) The location and height of all buildings and parking facilities.
  - (4) The interior roadway system and all existing rights-of-way and easements, whether public or private.
  - (5) Delineation of the various residential areas indicating for each such area its size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type (i.e., single-family detached, duplex, townhouse, garden apartments, high-rise), plus a calculation of the residential density in dwelling units per net acre (total area excluding interior roadways) for each such area.
  - (6) The interior open space system.
  - (7) The overall drainage system.
  - (8) If grades exceed three percent (3%), or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided along with an overlay outlining the above susceptible soil.

- (9) Principal ties to the neighborhood and community with respect to transportation, water supply, and sewage disposal.
  - (10) General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
  - (11) A location map showing uses and ownership of abutting lands.
- b. In addition, the following documentation shall accompany the Sketch Plan:
- (1) Evidence that the proposal is compatible with the objectives of the Land Use Plan.
  - (2) General statement as to how common open space is to be owned and maintained.
  - (3) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the Sketch Plan of this section shall show the intended total project.
- c. The Township Planning Commission shall review the Sketch Plan and its related documents, and shall render either a favorable or unfavorable recommendation to the applicant.
- (1) A favorable recommendation shall include a report to the applicant that he may proceed with initiation of the rezoning request. It shall be included as part of the recommendation.
  - (2) An unfavorable recommendation shall state clearly the reasons therefore and, if appropriate, indicate to the applicant what might be necessary in order to receive a favorable recommendation. Within ten (10) days after receiving an unfavorable recommendation, the applicant may, if he wishes, initiate a rezoning request, which would be accompanied by an unfavorable recommendation from the Township Planning Commission.

SECTION 5.7 - NONCONFORMITIES

Where within the districts established by the 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 notwithstanding other provisions of this section 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 district in which such land is located. Extensions may be granted by the Planning Commission if it has been demonstrated that extenuating conditions have occurred which have been beyond the control of the parties involved.

#### 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 of 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 such 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) per cent 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 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 conforming 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. Extensions and Substitution. There shall be a specific exemption from Section 5.7.a to permit extending or enlarging, but not to include rebuilding or replacing, a non-conforming use when such use is occupied as a single-family dwelling. In this case, the owner of said dwelling shall make application to the Planning Commission requesting an exemption under this Section. If the Planning Commission, after a hearing upon such application, shall determine that for reasons of the orderly development of land that the request is reasonable and proper shall make their recommendation to the Leoni Township Board. Prior to recommending any such request under this Section, the Planning Commission specifically shall make the following findings of fact and apply the following standards:
  - 1. That the structure was originally constructed as a dwelling.
  - 2. That the structure is, and has been, within the recent past, occupied as a single-family or two (2) family dwelling.
  - 3. That the proposed expansion will not have an adverse effect upon the uses in the general vicinity.

4. That there are no current identifiable trends toward the establishment of land uses in conformity with this ordinance in the general vicinity.
  5. That upon completion of the expansion, the single-family dwelling will remain a single-family dwelling.
  6. That the expanded structure will not be likely to significantly depress the value of nearby properties, nor reduce the likelihood of the development of properties in the area in a manner consistent with the permitted uses in the district in which they are located.
- c. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred 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. Extensions may be granted by the Planning Commission if it has been demonstrated that extenuating conditions have occurred which have been beyond the control of the parties involved.
  - d. 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 non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10) per cent 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 of the part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
  - e. Should any structure containing a nonconforming use be moved, for any reason any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
  - f. 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) per cent 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.

g. Extension and Substitution by the following (enclosed). There shall be a specific exemption from Section 5.7.3e, to permit rebuilding or replacing, but not to include extending, a non-conforming use when such use is occupied as a one or two family dwelling and has been destroyed by other than overt action of the owner. In this case, the owner of said dwelling shall make application to the Board of Appeals within twelve months of date of destruction requesting an exemption under this Section. If the 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 reasonable and proper, then the Board of Appeals may authorize the owner to rebuild or replace said dwelling. Prior to granting any such request under this Section, the Board of Appeals specifically shall make the following findings of fact and apply the following standards:

1. That the structure was originally constructed as a dwelling.
2. That the structure currently or immediately proceeding damage was occupied as a dwelling.
3. That the proposed rebuilding or replacement will materially and substantially benefit the use as a dwelling and/or make the use more in conformity with the provisions of this Zoning Ordinance and any building code.
4. That the proposed rebuilding or replacement 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 Board of Appeals on an appeal.

#### 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 no change in the nature or character of such nonconforming use, building, or structure.

5.7.5 Substandard, Nonconforming Lots of Record:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in 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. If two or more lots or combinations of lots with continuous frontage in single ownership are of record and all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance nor shall any division of the parcel or lot with width or area below the requirements stated in this Ordinance.

SECTION 5.8 - PERFORMANCE STANDARDS

5.8.1 Requirements:

Any use of a lot, building, or structure in any district shall be such that it is not obnoxious, dangerous, or injurious by reason of heat, glare, fumes, odors, dust, erosion, sound or vibrations at standards currently used by the Michigan Department of Public Health beyond any boundary line of the lot or parcel of land on which the use is located.



5.8.2 Plans:

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a building plan and equipment layout with a description of the machinery, process, and projects; 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 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 the Township of Leoni.

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. On any lot in any 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. In any agricultural district, the above restrictions only apply when within five hundred (500) feet of a property line or public roadway.
- b. 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. No storage shall be permitted within a front yard.
- c. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the front yard of any lot within a residential district, except that the parking of a passenger vehicle on an improved driveway located on private property shall not be prohibited.
- d. On any lot in an Office, Commercial, or Industrial District, any display of vehicles or other merchandise shall be located no closer to the street right-of-way line than one-half the minimum authorized front or side yard depth.

SECTION 5.10 - MOBILE HOMES AND TRAVEL TRAILERS

- a. The Township Board, upon recommendation of the Planning Commission shall

have authority to grant a permit for the temporary occupancy of mobile home on any lot in a residential or agricultural district subject to the following conditions:

1. During the period of new construction or reconstruction of a permanent dwelling, but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owners immediate family, shall be permitted to occupy as a temporary residence one mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
  2. Such mobile home shall not be located between the established setback line and the public right-of- way line of such premises.
  3. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
  4. 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 Jackson County Health Department for the permanent dwelling to be constructed thereat.
  5. Any person requesting such temporary use of a mobile home shall furnish to the Township of Leoni a performance bond or cash deposit in the amount of five thousand dollars (\$5,000) guaranteeing the removal of such mobile home prior to or upon expiration of the twelve (12) month permit.
- b. Mobile trailer offices may be permitted in any non-residential district on a temporary basis with extensions as necessary as granted by the Board of Appeals.
- c. No travel trailer or motor home shall be used as a permanent residence. Travel trailers and motor homes shall be used only in duly licensed travel trailer parks. A travel trailer or mobile home may be permitted to be occupied as a temporary dwelling for a period not to exceed one week provided such travel trailer 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 or mobile home occupants and certified by the Zoning Inspector.

#### SECTION 5.11 - VISIBILITY AT INTERSECTIONS

No sign shall be allowed to interfere with visibility from a drive-way or roadway. The Zoning Administrator shall cause all such obstructions to be removed in the interest of public safety.

## SECTION 5.12 - ACCESS TO PUBLIC STREETS

- a. In any residential, commercial, and industrial district, every use, dwelling, building, or structure established after the effective date of this Ordinance Amendment shall be on a lot, unit, or parcel which adjoins a public road, unless: such unit is created under a condominium project which provides for the Condominium Association's perpetual operation, maintenance, repair and replacement of the road, and the road is specifically approved pursuant to Site Plan Review, conducted under Sections: 2.2.48.1; 5.1, and 5.12 (c).
- b. In any rural non-farm agricultural district every dwelling established after the effective date of this Ordinance Amendment shall be on a lot, unit or parcel which adjoins a public street or private easement of access to a public road, subject to Site Plan Review conducted under Sections: 2.2.48.1; 5.1, and 5.12 (c).
- c. A private road which serves more than one dwelling lot, unit or parcel or more than one commercial or industrial activity shall be constructed to the standards of the Jackson County Road Commission Plat Policy, unless: such unit is created under a condominium project which provides for the Condominium Association's perpetual operation, maintenance, repair and replacement of the road, and the street is specifically approved pursuant to Site Plan Review, conducted under Sections 2.2.48.1 and 5.1. Bituminous Surface and Road Bed (constructed to meet or exceed JCRC Specifications) shall be required prior to the issuance of a building permit for the fifth residential dwelling and for the second commercial or industrial building, structure or activity.

## SECTION 5.13 - FLOODPLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall only be used for agricultural and recreational uses. No structures shall be located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to a 100 year floodplain, as referenced by the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

## SECTION 5.14 - PRESERVATION OF LAKESHORES, RIVER, AND STREAM BANKS

No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, or stream except in conformance with the following:

- a. As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, and as amended.

- b. If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in any way by any person, that person shall submit to the Planning Commission a site plan and required in Article V, Section 5.6 of this Ordinance. This does not relieve the applicant from complying with requirements of other regulatory agencies.
- c. No structure shall be placed within fifty (50) feet of a lake, river, or stream.

SECTION 5.15 - HOME OCCUPATIONS

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. The home occupation shall be operated in its entirety within the single unit dwelling and only by the person or persons maintaining a dwelling therein;
- b. The home occupation shall not have a separate entrance from outside the building (beauty shops excepted);
- c. The home occupation shall not display or create outside the building any external evidence of the operation except that one unanimated, nonilluminated name plate, having an area of not more than one hundred (100) square inches, shall be permitted.
- d. The home occupation shall not utilize more than twenty percent (20%) of the gross floor area, but not to exceed three hundred (300) square feet in the dwelling unit.
- e. The home occupation shall not have more than one (1) employee. Said employee shall not have to reside within the premises wherein the home occupation is permitted.
- f. The home occupation shall be limited to the use of electric motors for power, with a total limitation of three horsepower.

SECTION 5.16 - FENCES

- a. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct the view and passage of persons or materials.
- b. Any district in or boarding a R-1, R-4, and R-M:
  - 1. Side and rear fences: Fences constructed within a side or rear yard shall not

be higher than six (6) feet as measured from the surface of the ground.

Planting, fences and walls in front yard: No fence wall or hedge shall rise over thirty-six (36) inches in height on any required front yard, except that open weave fence may be 48" high. No fence, wall or hedge shall be allowed to interfere with visibility from a driveway or roadway. The Zoning Administrator shall cause all such obstructions to be removed in the interest of Public Safety.

- a. Lake front property shall have fences no taller than three (3) feet in height along property lines.
  2. No fences shall contain electric current, an electric charge or barbs.
  3. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct the view and passage of persons or materials.
  4. A building permit shall be required for the construction of a fence. A permit shall not be needed for repair of existing fences or construction of an ornamental fence.
- c. Ag. Districts:
1. In Ag. districts only shall electric or barbed fences be permitted except where an Ag. district abuts a B or R district.

SECTION 5.17 - TEMPORARY USES

Circuses, carnivals or other transient enterprises may be permitted in any district upon issuance of a permit by the Township Board. Such permit shall be based upon the finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, or general welfare, and may contain requirements to maintain these conditions. Such permit shall be valid for a period of not more than three days. Permit may be renewed at the Zoning Inspector's option, at the same fee, but shall not be renewed for more than six consecutive periods in any one year. Minimum distance from any operation relevant to the conditional use other than parking to any residence shall be one hundred (100) feet.

SECTION 5.18 - ESSENTIAL SERVICES

- a. Nothing in this Ordinance shall prohibit the provision of essential service, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- b. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.
- c. Any structure erected above ground in any residential district shall be screened or fenced and shall be subject to provisions of Section 5.6 - Site Plan Review and Approval.

SECTION 5.19 - 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. Where curb does not exist, ingress and egress shall be delineated and no other area shall be used.

SECTION 5.20 - FLOOR AREA REQUIREMENTS

A one-story dwelling shall contain not less than 720 square feet of usable ground floor area, exclusive of open porches, garages, or steps.

Any dwelling with more than one story shall contain not less than 650 square feet of ground floor area exclusive of open porches, garages, or steps.

The floor area per dwelling unit for multiple-family dwellings or single-family and multiple-family dwellings, when associated and incidental to a commercial use shall not be less than that established by the following table. Only areas used for living quarters shall

be included in determining floor area. Other non-inhabitable and unusable spaces shall be excluded:

- 400 square feet - Efficiency apartment
- 520 square feet - 1 bedroom dwelling unit
- 610 square feet - 2 bedroom dwelling unit
- 790 square feet - 3 bedroom dwelling unit
- 70 square feet - for each additional bedroom

**SECTION 5.21 - HARD SURFACE, LANDSCAPE AND SCREEN**

Hard surfacing, landscaping and screening shall be a requirement on all site plans submitted after the effective date of this ordinance and shall be subject to planning commission approval.

All required surfacing, landscaping and screening shall be in place (1) one year from the date of site plan approval or reason why not should be given at end of year.

a. Hard Surfacing

1. Any customer parking area greater than 1500 sq. ft. shall be surfaced with approved material.
2. Areas of 5000 sq. ft. or more shall incorporate drainage and erosion control.

b. Landscaping

Landscaped strip of 20 feet in width as required in section 4.6 shall be defined in detail on site plan.

1. Landscaped areas shall be covered with grass, ground cover or mulch. If grass or ground cover is used, it shall be planted and maintained to present a finished appearance within one growing season. If the landscaped area is wider than 20 feet, grass shall be used. In areas subject to erosion, erosion reducing net or suitable mulch shall be used.
2. Existing vegetation on the property may be used as part of landscaping requirements.
3. Vegetation must be maintained in a healthy state.
4. Berms shall have slopes no greater than (1) one vertical foot for each (3) three horizontal feet and shall have at least (2) two feet of flat area on top. There must be adequate protection to prevent erosion.
5. Landscaped areas in and adjacent to parking lots shall be protected by

concrete or bituminous curbing.

6. Trees and bushes used for landscaping shall be planted and maintained in a manner as to not impair visibility in all ingress and egress from public right of way.

c. Screening

1. Screening between all conflicting land uses shall be required as set forth in section 5.16.
2. A parking lot, office, commercial, industrial use or refuse dumpster adjacent to a public park facility or land principally used or zoned for residential purposes must have the following buffer:
  - A. A landscaped area at least 15' wide.
  - B. Solid fence.
  - C. Live trees or shrubs.
3. Where plant material is used for screening, it shall be composed of at least 50% evergreens. Plant materials shall be of a size, quality, and spacing to achieve 75% year-round opacity within 3 years.
4. If concrete blocks are used for walls, they must be decorative or brick faced.
5. All fences used for screening must comply with section 5.16 of Leoni Twp. zoning ordinance.

d. Site plans

A site plan must show the location, type and size of all hard surfacing, landscaping and screening in sufficient detail for a determination that the plan conforms with this ordinance. When a development could cause environmental damage, additional landscaping, screening or preservation of existing vegetation may be required as a condition of approval. Rearrangement of hard surfacing, landscaping or screening may be required to prevent traffic hazards or other dangers to public safety.

e. Exceptions

The following exceptions to the standard may be applied, subject to planning commission approval.



1. A perimeter buffer may be reduced to a width of 5 feet and employ walls and fences with landscape materials for parking lots and for all gas stations.
2. If a site exhibits unusual characteristics, modifications may be allowed.

f. Variances

The provisions of this ordinance may be appealed to the Leoni board of appeals. The appeal should be based on practical difficulties or hardships when evidence supports at least one of the following:

1. The topographic features or special characteristics of the site create conditions so that the strict application of the provision of this ordinance will result in less effective hard surfacing, landscaping or screening than an alternate design.
2. That the intended benefit to the public will exist with less than required hard surfacing, landscaping or screening.
3. That in a planned project, the rearrangement of materials will achieve the spirit of this ordinance.

g. Enforcement

1. No owner or occupant of a property shall fail to maintain, to the standard of this Ordinance, hard surface, landscape, or screen materials shown on site plan.
2. No building permit shall be issued for property which is in violation of this ordinance.
3. No certificate of occupancy shall be issued unless the provisions of this Ordinance has been met or a performance bond or other security has been posted.

## 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 be deputized and 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 and provide a copy of the ordinance, indicating the nature of the violation being violated, and ordering the action necessary to correct it within seven (7) days.

Following notification, the zoning inspector shall have the authority to implement the enforcement thereof by any of the following means:

1. He may serve notice requiring the removal of any use in violation of this ordinance upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation.
2. He may issue appearance tickets for violations of this ordinance. He may call upon the chief of police or his deputies to assist in the enforcement of this ordinance.
3. He may call upon the township attorney to institute any necessary legal proceedings to enforce the provisions of this ordinance, and the attorney is hereby authorized to institute appropriate actions to that end.
4. He may call upon the chief of police or his deputies to assist in the enforcement of this ordinance. In addition to the authority vested in the zoning inspector, the township attorney or any adjacent or neighboring property owner who would be specially damaged by violations of this ordinance may institute injunction to restrain or abatement, to cause the correction or removal of any violation of this ordinance.

The Zoning Inspector shall submit to the Planning Commission and the Town-

ship 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 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 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 in 21 days 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 if any facts are knowingly falsified or misrepresented by the petitioner, and unless construction is completed and use initiated 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 used 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 Zoning 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 was 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 Board of Appeals, unless or until preliminary charges and fees have been paid in full.

## SECTION 6.7 - VIOLATIONS AND PENALTIES

Violations 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 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 (\$500.00) 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 except the offender from compliance with the requirements of this Ordinance.

## ARTICLE VII

### BOARD OF APPEALS

#### SECTION 7.1 - BOARD OF APPEALS ESTABLISHED

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

#### SECTION 7.2 - DUTIES OF THE BOARD OF APPEALS

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The 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.

#### SECTION 7.3 - VARIANCE

The 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 Board of Appeals unless and until:

- a. A written application for a variance is submitted, demonstrating the following:
  1. 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. 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. That the special conditions and circumstances do not result from the actions of the applicant.
  4. 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. 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. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
  - c. The 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. The 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 neighboring, parcels or otherwise detrimental to the public welfare.
  - e. In granting any variance, the 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. Each variance granted under the provisions of this Ordinance shall become null and void unless:
    1. 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. 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.
  - g. No application for a variance which has been denied wholly or in part by the 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 Board of Appeals to be valid.

SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE

The 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 BOARD OF APPEALS

7.5.1 Appeals, How Taken:

Appeal from the ruling of the Zoning Inspector or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within sixty (60) days by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the 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 Board of Appeals may be petitioned 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 Township of Leoni at the time of filing the petition for appeal. No part of the fee shall be returnable to the petitioner.

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 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 a restraining order which may be granted by the 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 Board of Appeals, the Board of Appeal's Secretary or Leoni 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 registered return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal.

Notice of the public hearing shall be sent and publicized in a newspaper circulated in the Township, at least ten (10) days prior to the hearing to the owner of the property in question and to all persons to whom any real property within 300' of the premises in question is assessed, and to the occupants of all single and two-family dwellings within 300'. The property in question shall also be conspicuously posted at least ten (10) days prior to the hearing.

7.5.6 Representation of Hearing:

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

7.5.7 Decisions of the Board of Appeals and Appeals to the Circuit Court:

The 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 as in its opinion ought to be made on the premises and to that end shall have all the powers of the Zoning Inspector or the 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.

## ARTICLE VIII

### AMENDMENT PROCEDURES

#### SECTION 8.1 - INITIATING AMENDMENTS AND FEE

The Township Board may, from time to time, on recommendation from the Planning Commission 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. 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 8.2 - AMENDMENT PROCEDURES

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

##### 8.2.1 Time Element Between Zoning Request:

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Township Board for a period of 365 days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

#### SECTION 8.3 - 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 Leoni Township Board and the amendments published without referring the same to any other board or agency.

ARTICLE IX  
LEGAL STATUS

SECTION 9.1 - 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 9.2 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not included in said ruling. If 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 9.3 - PERIOD OF EFFECTIVENESS

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

SECTION 9.4 - REPEAL OF ORDINANCE

The "Zoning Ordinance of the Township of Leoni, Jackson County, Michigan" adopted on August 6, 1997, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 9.5 - SAVINGS CLAUSE

All pending litigation commenced under a prior ordinance or cause of action arising under a prior ordinance hereby expressly is saved and shall be determined by a court of law with reference to the prior ordinance or ordinances. Situations within this clause shall be an exception to repeal of a prior ordinance or ordinances.

SECTION 9.6 - EFFECTIVE DATE

This Ordinance was adopted by the Leoni Township Board of Jackson County, Michigan, at a meeting held on August 6, 1997 and notice ordered published in the Jackpot Weekly, a newspaper having general circulation in said Township of Leoni.

Date: \_\_\_\_\_  
\_\_\_\_\_ (Supervisor)

Date: \_\_\_\_\_  
\_\_\_\_\_ (Clerk)

PLANNING COMMISSION OF 2001

Vern Beckwith

Judy Bureau

Pat Hill

Shirley Johnson

Howard Linnabary

Virginia Maguire

Brent Molton