

ZONING ORDINANCE



Madison Township
Lenawee County, Michigan

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MADISON TOWNSHIP ZONING ORDINANCE

LENAWEE, COUNTY, MICHIGAN

Reprinted August 14, 2014

Revised through July 7, 2014

Revised through October, 2015

Reprinted December 2015

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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 Madison Township, Lenawee 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 Madison Township." The Zoning Map referred to herein is entitled "Zoning Map, Madison 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 fare;
- 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 Madison 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 district;

- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditure 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 building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, 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 five hundred and forty-five (545) 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 has been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

SECTION 2.2 DEFINITIONS

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

2.2.1 Accessory Structure, Building, or Use:

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

2.2.2 Alley:

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

2.2.3 Alter:

Any 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 Apartment:

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

2.2.5 Automobile Service Station:

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

2.2.6 Automobile Wrecking:

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

2.2.7 Basement:

A story of a building having part but not more than one-half (1/2) its height below grade.

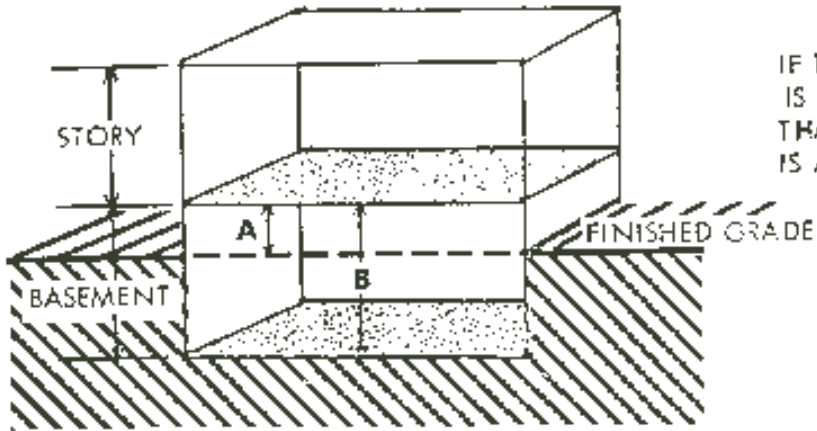
2.2.7.A Bed and Breakfast:

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

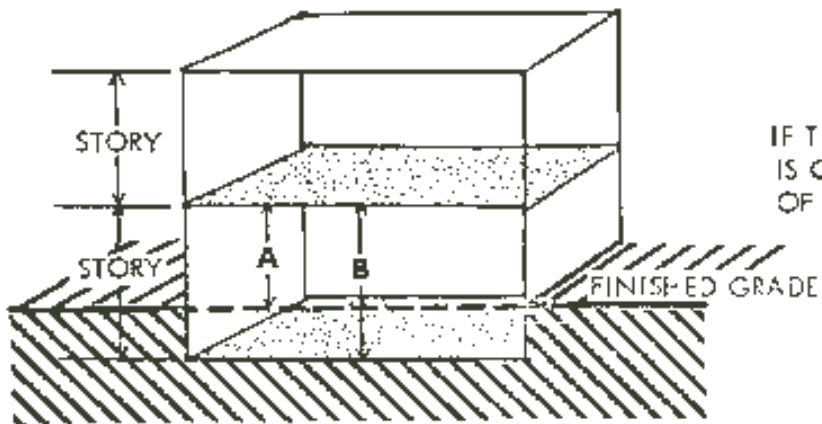
2.2.8 Boarding House or Rooming House:

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

BASEMENT & STORY DEFINITION

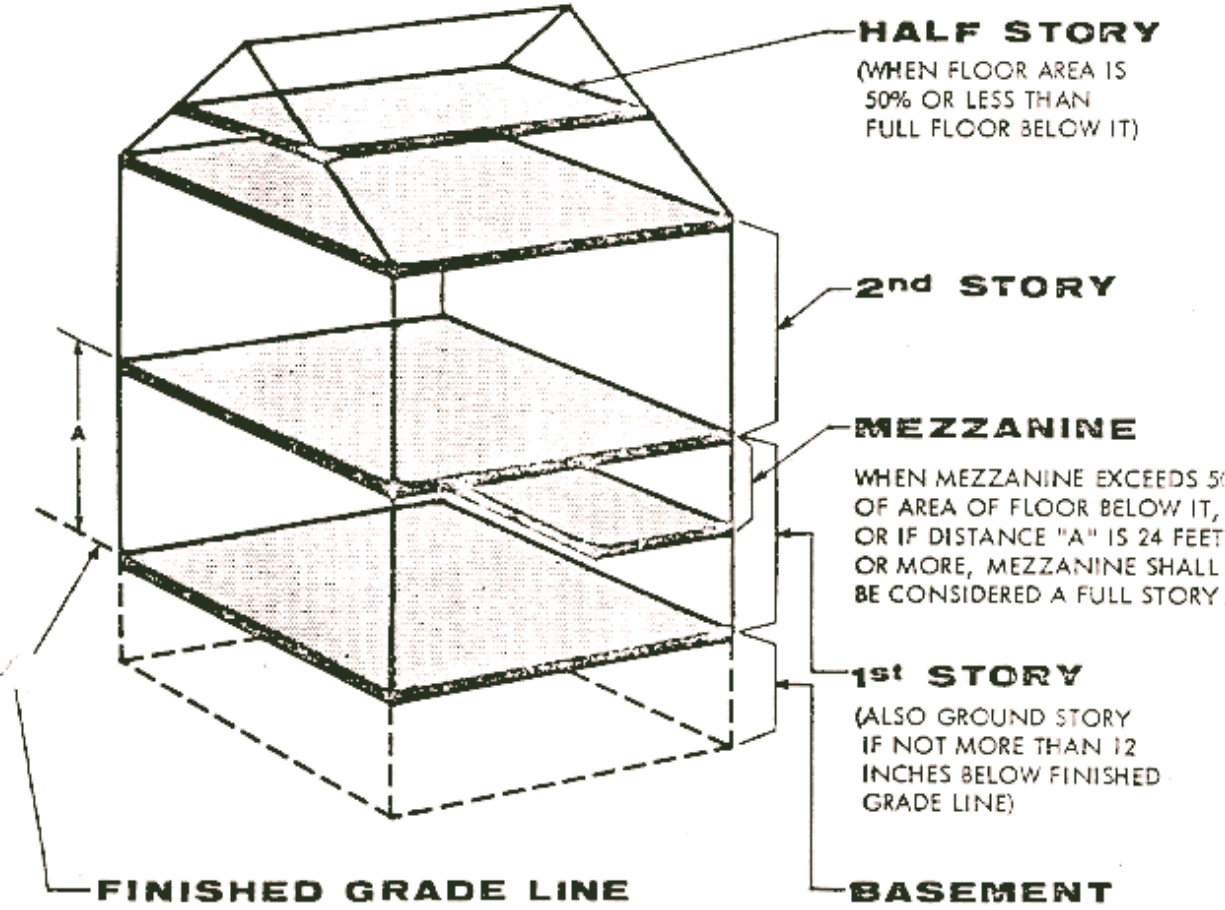


IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN $1/2$ OF "B", THIS IS A BASEMENT.



IF THE AVERAGE OF "A" IS GREATER THAN $1/2$ OF "B", THIS IS A STORY.

BASIC STRUCTURAL TERMS



2.2.9 Building:

A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

2.2.10 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.

2.2.11 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.

2.2.12 Central Sanitary Sewerage System:

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

2.2.13 Central Water System:

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

2.2.13-1 Commercial Communication Towers:

Any tower or structure upon which antennae and/or other equipment used in connection with the commercial transmission of communication signals are located.

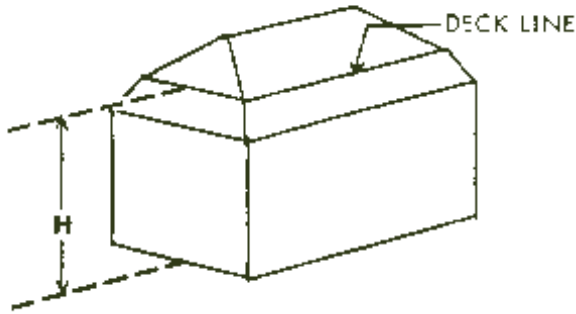
2.2.14 District:

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

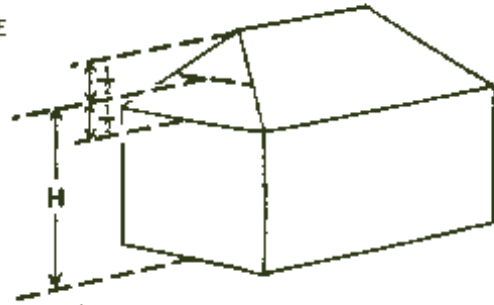
2.2.15 Drive-In Establishment:

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

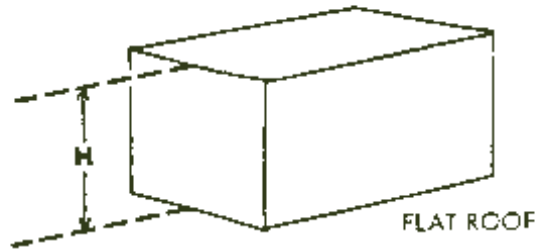
BUILDING HEIGHT REQUIREMENTS



MANSARD ROOF

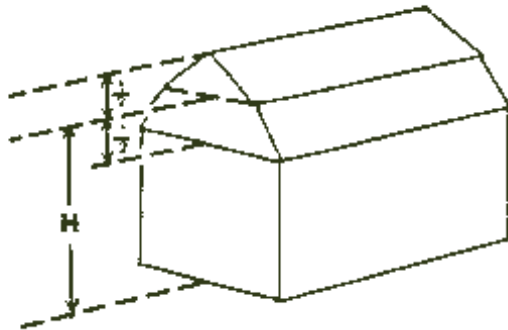


HIP ROOF

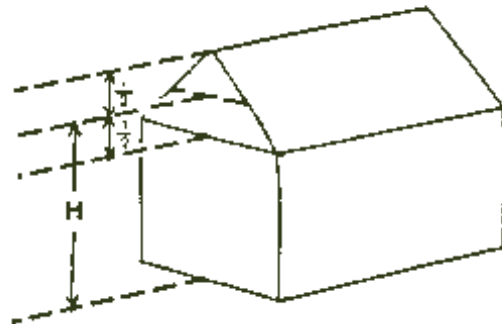


FLAT ROOF

GAMBREL ROOF



GABLE ROOF



H = HEIGHT OF BUILDING

2.2.16 Dwelling Unit:

One (1) or more rooms with independent cooking facilities designed as a unit for residence by only one (1) family. The Building Inspector shall not issue a building permit to locate, erect, construct, reconstruct, alter, or convert a single, two, or multiple family dwelling unit until adequate data, information, and evidence can be shown that the dwelling complies with the following standards:

A. Minimum Size-Siting Standards:

1. Minimum floor area of a dwelling unit located in a low density single-family zoning district shall be eight hundred fifty (850) square feet and for a dwelling located in any other district shall be seven hundred fifty (750) square feet. (For the purpose of computing the dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches).
2. Minimum width of the principal dwelling as built or assembled on the site shall not be less than twenty (20) feet, as measured across the narrowest portion.
3. Minimum floor to ceiling height of the dwelling shall be 7.5 feet.

B. Health Construction Standards:

1. If central water and sanitary sewage facilities are available, the dwelling shall be connected to said facilities. on-site septic systems shall be approved by the County Health Department.
2. Conventional site built dwellings and all other pre-manufactured dwellings, except mobile homes, shall comply with the B.O.C.A. Code Standards and other applicable fire, plumbing, electrical, etc., codes and regulations.

Mobile home dwellings shall comply with the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR, 3280), as amended, including fire, plumbing, electrical etc., and other applicable codes and regulations. The mobile home shall be installed pursuant to the manufacturer's setup instruction.

3. All dwellings shall have a foundation complying with the B.O.C.A. Code Standards including a foundation wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the B.O.C.A. Code.
4. Conventional site built dwellings shall have an anchoring system complying with the B.O.C.A. Code.

Mobile home dwellings shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission.

C. Aesthetic Standards:

1. Dwelling shall have a foundation wall around the home as specified in b.3 completely enclosing the dwelling.
2. Dwellings shall not have exposed wheels, towing mechanisms, undercarriage or chassis and no storage shall be allowed in any crawl space which is not a standard basement.
3. The pitch of the main roof of the dwelling shall not be less than one (1) foot of rise for each four (4) feet of the horizontal run.
4. Dwellings shall have a roof drainage system with minimum four (4) inch diameter gutters with proper downspouts.
5. Materials used for exterior finish shall not create a reflection greater than from siding coated with clean white, gloss, exterior enamel.
6. All additions to the original dwelling shall be constructed with a similar material and have a similar appearance and quality of workmanship as the original dwelling including an appropriate foundation and permanent attachment to the principal structure.
7. There shall be a minimum of two (2) exterior doors with one (1) being in the front of the home and the other in the rear or side of the home connected to permanently attached steps.

D. Conformance of Mobile Homes to Standards:

1. Mobile homes which do not conform to the standards of Section 2.2.16 of this Ordinance shall not be used for dwelling purposes within the Township unless located with a mobile home park or a mobile home subdivision zoned for such uses.

2.2.17 Dwelling - Single Family:

A detached building designed for or occupied by one (1) family only and conforming in all respects to the standards of Section 2.2.16.

2.2.18 Dwelling - Two-Family:

A detached building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.2.16.

2.2.19 Dwelling - Multiple-Family:

A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.2.16.

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 erected, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, towers, or maintenance depots.

2.2.22 Family:

One (1) or more persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, or adoption and including the domestic employees thereof. A family may also include up to a total of three (3) persons not so related. A family is distinguished from a group occupying a hotel, motel, boarding house, club, fraternity or sorority house, or tourist home.

2.2.23 Feedlot:

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

2.2.24 Home Occupation:

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

2.2.25 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, and where no provision is made for cooking in any guest room.

2.2.26 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, barrel, 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.

2.2.27 Kennel:

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

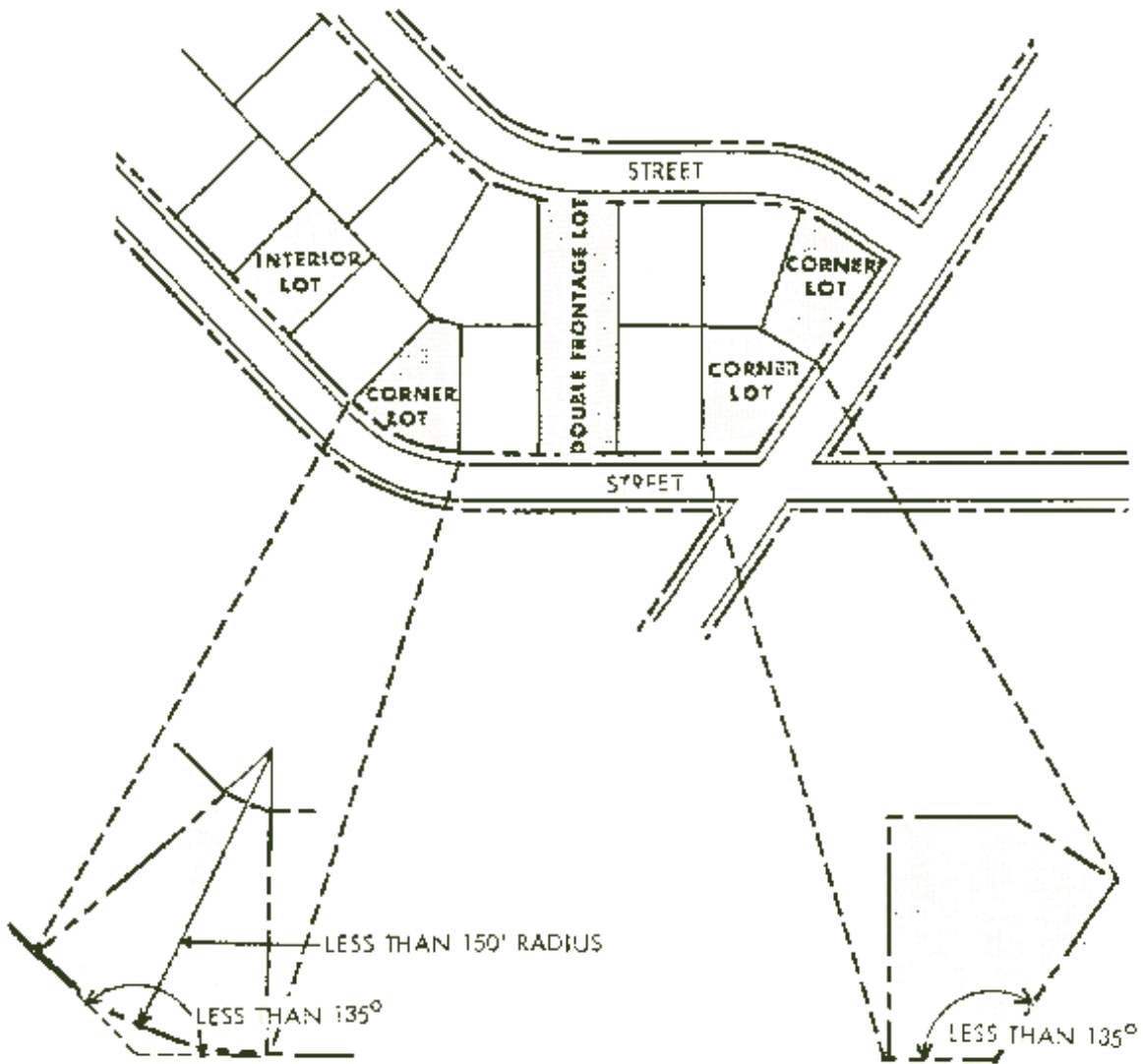
2.2.28 Lot:

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

2.2.29 Lot Area:

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

CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS



2.2.30 Lot Corner:

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

2.2.31 Lot Depth:

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

2.2.32 Lot Coverage:

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

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 Lenawee 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 exterior lot having frontage on two (2) parallel or approximately parallel streets.

2.2.35 Lot Width:

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

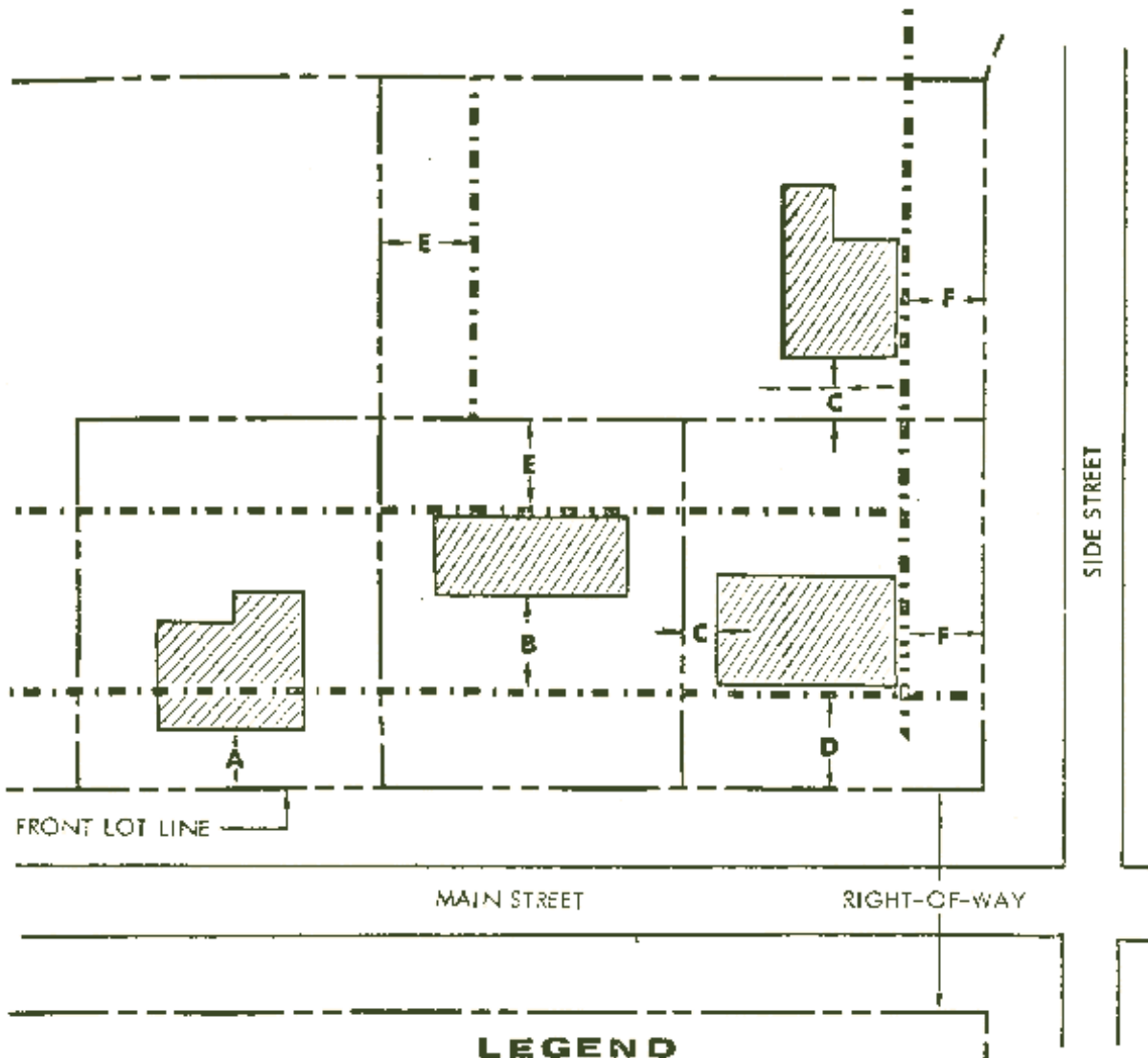
2.2.36 Mobile Home:

A detached portable residential dwelling unit 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 is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and shall be connected to existing utilities. A travel trailer is not to be considered a mobile home.

2.2.37 Mobile Home Park:

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

YARD REQUIREMENTS



LEGEND

- | | |
|---|---|
| A — DEFICIENT FRONT YARD | D — MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE |
| B — FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED | E — MINIMUM REAR YARD REQUIRED |
| C — MINIMUM SIDE YARD REQUIRED | F — MINIMUM YARD REQUIRED ON SIDE STREET WHEREON HOMES FRONT |

2.2.38 Mobile Home Subdivision:

A legally platted residential subdivision accommodating mobile homes.

2.2.39 Motel:

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

2.2.41-1 Private Road Definitions:

- a. A “driveway” is an improved or unimproved path or road extending from a public or private road to a single lot, building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
- b. A “shared driveway” is a path or road extending from a public or private road to 2 lots, buildings, dwellings or structures, intended to provide ingress and egress primarily for the occupants thereof.
- c. A “private road” is the entire length of any undedicated path, drive or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress and egress to 3 or more lots, dwellings, dwelling units or structures or combination thereof. Driveways providing access to a single building, dwelling or structure are not considered to be part of a private road.

Private-road provisions of this Section shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association,

and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this section include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile home parks, and shopping centers.

- d. A “private-road easement” is an easement which is granted exclusively for private access to 3 or more lots, whether by grant of easement, private dedication, designation as a common area, or other means, and which contains a private road.
- e. An “existing-private road” is a private road which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this Section.
- f. An “existing lot” is a lot which, as of the effective date of this Section (September 26, 1990) meets at least one of the following conditions:
 - i. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Lenawee County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Lenawee County Register of Deeds;
 - ii. The lot has been assigned its own permanent parcel number by the Lenawee County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - iii. The lot consists of a “condominium unit” (i.e. a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a “site-condominium” development for which a condominium master deed has been recorded with the Lenawee County Register of Deeds in accordance with the Lenawee County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
- g. An “existing building” or an “existing dwelling unit” is a building or dwelling unit for which a building permit has been issued by the Township as of the effective date of this Section.

2.2.42 Quarry:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic 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 only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

2.2.45 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 of premises, or other identification of premises not having commercial connotations;
- b. Flags and insignias of any government, except when displayed in connection with commercial promotion;
- c. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

2.2.46 Sign Area:

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and

including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

2.2.47 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.

2.2.48 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.

2.2.49 State Licensed Residential Activity:

A structure constructed for residential purposes that is licensed by the state which provides resident services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of that care or supervision.

2.2.50 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.

2.2.51 Street:

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

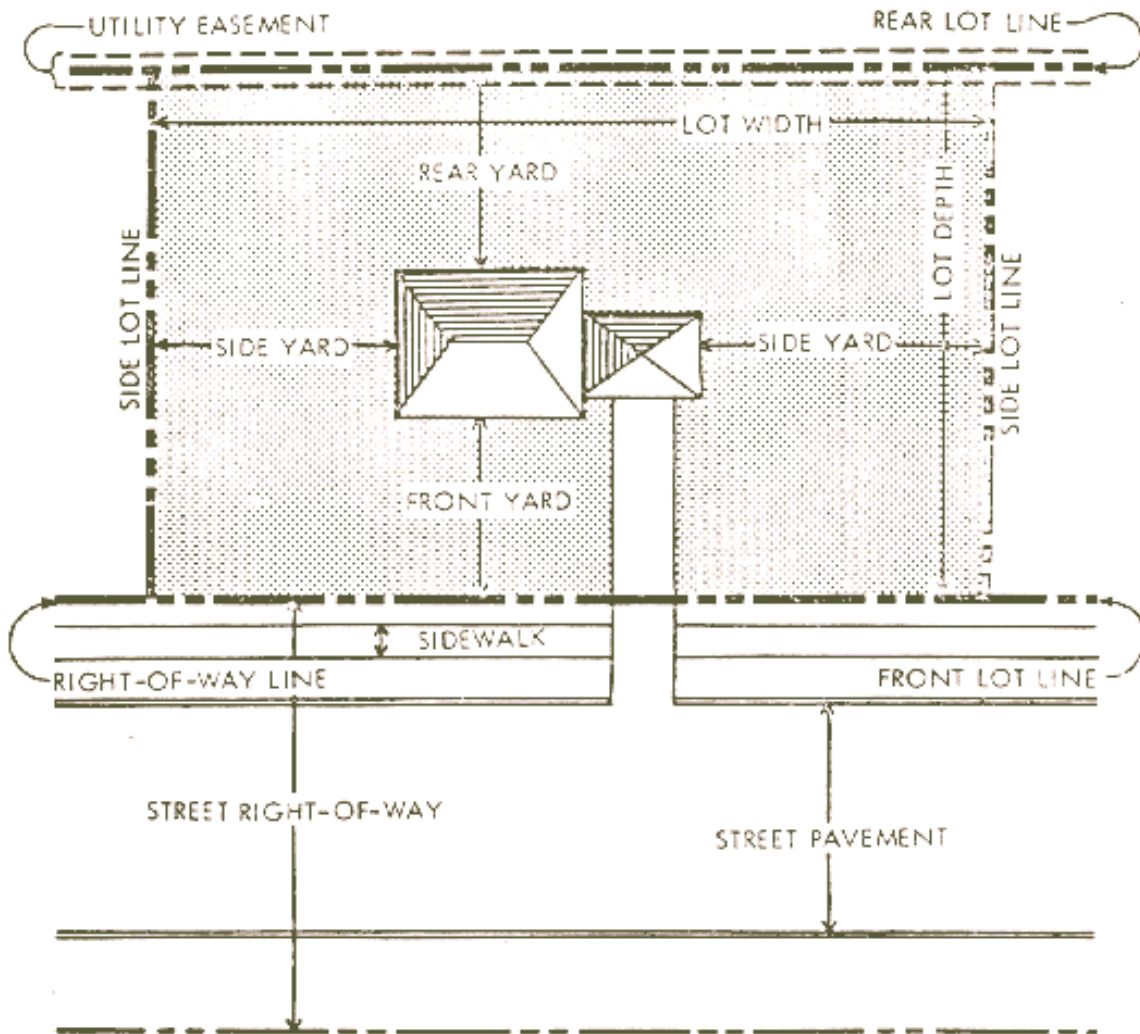
2.2.52 Structure:

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

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 automobile and not exceeding two hundred (200) square feet in area.

LOT TERMS



2.2.54 Yard, Front:

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

2.2.55 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.

2.2.56 Yard, Side:

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

2.2.57 Dead Storage:

Goods not in use and not associated with any office, retail, or other business use on the premises.

2.2.58 Self-Service Storage Facility (SSSF):

A building or a group of buildings used primarily for the temporary dead storage of residential goods and wares as a result of their transfer from one point to another and/or the dead storage of residential goods and wares; commercial goods and wares; and industrial goods, wares, and commodities.

SECTION 2.3 - UNDEFINED TERMS

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

SECTION 2.4 - APPLICATION OF REGULATIONS

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

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**ARTICLE III
ESTABLISHMENT OF ZONING DISTRICTS**

SECTION 3.1 - ZONING DISTRICTS

Madison Township is hereby divided into the following zoning districts:

- AG-1 Primary Agricultural District
- R-1 Low Density Single-Family District
- R-2 High Density Single-Family District
- R-3 Two-Family, Townhouse District
- R-4 Multiple-Family District
- R-5 Mobile Home Residential District
- C-1 Local Neighborhood Commercial District
- C-2 General Highway Commercial District
- I-1 Light Industrial District
- I-2 General Industrial District

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, Madison Township, Lenawee County, Michigan, dated" which map, with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

3.2.1 Identification of Official Zoning Map:

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

SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES

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

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

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**ARTICLE IV
ZONING DISTRICT 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 - PRIMARY AGRICULTURAL DISTRICT (AG-1)

The intent of this district is to set aside land suitable for agricultural activities and agricultural related uses. The following reasons are given in evidence to support the purposes for which this zoning district is intended to accomplish.

- a. This district includes areas where the largest undeveloped concentrations of "prime" agricultural soils exist (these soil locations are identified in the Township Land Use Plan).
 - b. Land with agricultural value should be preserved as it is a vital natural resource.
 - c. Indiscriminate urbanizing of agricultural lands adversely affect the remaining owners of land pursuing agricultural endeavors, by creating urban land values.
- a. Permitted Uses:
- 1. General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, furbearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
 - 2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
 - 3. Single-family detached dwellings.
 - 4. Home occupations only in accordance with the regulations specified in Article V, Section 5.14.
 - 5. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
 - 6. On-site signs only in accordance with the regulations specified in Article V, Section 5.2.2.

7. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in Article V, Section 5.17.

8. Accessory uses or structures.

b. Conditional Uses:

1. Quarries.

2. Golf courses.

3. Group or organized camps, camping grounds, and general or specialized resorts.

4. Airports.

5. Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.

6. Convalescent homes, nursing homes, hospital, sanitariums, and orphanages.

7. Riding academies and stables.

8. Churches and other buildings for religious worship.

9. Cemeteries.

10. Golf driving ranges.

11. Travel trailer parks.

12. Feedlots.

13. Animal hospitals and non-profit animal shelters.

14. Amusement parks.

15. Sanitary landfills.

16. Commercially operated trails.

17. Kennels.

18. Reserved for future use.
 19. Communication towers accessory to public schools and government uses.
 20. Bed and breakfasts
- c. Area, Yard, Height, and Bulk Regulations:
- See Section 4.11.

SECTION 4.2 - LOW DENSITY SINGLE-FAMILY DISTRICT (R-1)

This district is designed to provide residential areas principally for suburban densities of 10,000 to 15,000 square feet where necessary urban services and facilities including central sewerage systems, fire protection, and roads, exist or are anticipated to be provided in the future.

- a. Permitted Uses:
1. Single-family detached dwellings.
 2. State Licensed Residential Facilities.
 3. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
 4. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
 5. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
 6. Accessory uses or structures.
- b. Conditional Uses:
1. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
 2. Churches and other buildings for religious worship.
 3. Public and private nurseries, primary and secondary non-profit schools.
 4. Essential service structures of a non-industrial character, but not including

maintenance depots or warehouses.

5. Government- or community-owned buildings.
6. Golf courses and golf driving ranges.
7. Communication towers accessory to public schools and government uses.

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

See Section 4.11.

SECTION 4.3 - HIGH DENSITY SINGLE-FAMILY DISTRICT (R-2)

This district is designed to provide areas principally for densities of 7,500 to 15,000 square feet, where necessary urban services and facilities including central sewerage systems, fire protection, and roads, exist or are anticipated to be provided in the future.

a. Permitted Uses:

1. Single-family detached dwellings.
2. State Licensed Residential Facilities.
3. On-site signs in accordance with regulations specified in Article V, Section 5.2.3.
4. Essential services in accordance with regulations specified in Article V, Section 5.17.
5. Accessory uses or structures.

b. Conditional Uses:

1. Recreation centers, public swimming pools, parks, playgrounds, and playfields.
2. Churches and other buildings for religious worship.
3. Public and private nursery, primary and secondary non-profit schools.
4. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.

5. Government- or community-owned buildings.
 6. Communication towers accessory to public schools and government uses.
- c. Area, Yard, Height, and Bulk Regulations:
- See Section 4.11.

SECTION 4.4 - TWO-FAMILY, TOWNHOUSE DISTRICT (R-3)

This district is designed to provide areas where one, two, three, and four family developments can be built. It provides for a density of development between single-family and multiple-family land uses. Thus the district may be suitable in areas near single-family development where multiple-family development would be incompatible. It is intended to be located in areas where facilities, including central sewers will be provided, and in areas that have other amenities vital to a higher density of development.

- a. Permitted Uses:
1. Single-family dwellings.
 2. Two-family, dwellings.
 3. Three-family dwellings.
 4. Four-family dwellings.
 5. State Licensed Residential Facility.
 6. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
 7. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
 8. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
 9. Accessory uses or structures.
- b. Conditional Uses:
1. Planned-unit residential developments.

2. Recreation centers, public swimming pools, parks, playgrounds, and playfields.
 3. Churches and other buildings for religious worship.
 4. Public and private nursery, primary and secondary non-profit schools.
 5. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
 6. Government- or community-owned buildings.
 7. Communication towers accessory to public schools and government uses.
- c. Area, Yard, Height, and Bulk Regulations:
- See Section 4.11.

SECTION 4.5 - MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-4)

This district is designed to permit a high density of population and a high density of land use in those areas which are served by a central sanitary sewer system, and which abut or are adjacent to such other uses or amenities which support, complement, or serve such a density and intensity. This district would generally be located near Major Roads for good accessibility and between single-family residential areas and other non-residential 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. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
 5. Accessory uses or structures.
 6. Rooming houses and boarding houses.
 7. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Public swimming pools, recreation centers, parks, playgrounds, and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools, and colleges and universities.
5. Medical and dental clinics.
6. Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
7. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
8. Offices.
9. Government- or community-owned buildings.
10. Funeral establishments.
11. Single-family dwellings.
12. Communication towers accessory to public schools and government uses.

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

See Section 4.11.

SECTION 4.6 - MOBILE HOME RESIDENTIAL DISTRICT (R-5)

This district is composed of those areas of the township whose principal use is or ought to be mobile home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are served by a central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Mobile home parks.
2. Public schools.

b. Mobile Home Park Regulations:

1. All mobile home parks shall comply with the Mobile Home Commission Act of 1979.
2. Every mobile home park or subdivision shall be served by a central water supply and a central sanitary sewerage system.
3. The land area of a mobile home park shall not be less than ten (10) acres.
4. Mobile home sites shall be at least five thousand (5,000) square feet in area.
5. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachments to appropriate external systems.
6. Each mobile home site shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both said yards not less than twenty-five (25) feet.
7. Each mobile home site shall have front and rear yards with each such yard not less than eight (8) feet in depth and the aggregate depth of both said yards not less than twenty (20) feet.
8. For the purpose of this Section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which, every point shall not be less than the minimum width herein provided. Open patios, carports, and individual storage facilities shall be disregarded in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the ends.
9. From all stands, the following minimum distances shall be maintained:
 - a. Ten (10) feet to the buffer strip.
 - b. Thirty (30) feet to the boundary of such park which is not a public street.

- c. Fifty (50) feet to the right-of-way of any public street or highway.
 - d. Thirty (30) feet to any collector street of such park (parking bay or central parking drive not a collector street).
 - e. Fifteen (15) feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents).
 - f. Fifty (50) feet to any service building in such park.
10. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance prescribed herein.
 11. Each mobile home site shall be provided with a minimum stand consisting of a solid concrete four (4) inch apron not less than sixty (60) feet long nor less than twelve (12) feet wide. This apron shall be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
 12. Each mobile home shall be supported on uniform jacks or blocks supplied by the mobile home park management.
 13. An all-weather, hard-surfaced outdoor patio area of not less than one hundred twenty (120) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
 14. Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space should not be less than one hundred twenty (120) cubic feet for each mobile home. Such storage structure or structures may be located in mobile home site or in common structure with individual lockers.
 15. Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.
 16. On-site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with indoor dryers or if use of indoor dryers

is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-embedded socket at each site.

17. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements and be approved by the Lenawee County Health Department.
 - a. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Running water from a state-tested and approved supply, designed adequately from a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.
 - b. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owner adjacent to the park.
18. Disposal of garbage and trash.
 - a. Any method used shall be approved by the State and inspected periodically by the Lenawee County Health Department.
 - b. Adequate incinerators, if provided, shall be conveniently located so as not to create a nuisance and be designed so that combustible materials will be reduced to an odorless gas and inorganic ash under any weather condition.
 - c. Trash not burned shall be stored in a conveniently located similarly designed enclosed structure(s). The removal of noncombustible trash shall take place not less than once (1) a week.
19. All electric, telephone and other lines from supply poles or other sources to each mobile home site shall be underground. The electrical system shall be of such voltage and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed they shall be located in a uniform manner.
20. Any fuel oil and gas storage shall be centrally located in underground tanks,

at a distance away from any mobile home site as it is found to be safe. All fuel lines leading to mobile home sites shall be underground and so designed as to conform with the Madison Township Building Code and any State code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.

- 21. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park excepting at established entrances and exits serving such park. When necessary for health, safety, and welfare, a fence shall be required. No fence shall be higher than six (6) feet in height to separate park from an adjacent property.
- 22. A recreation space of at least three hundred (300) square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, parking areas, and laundry rooms are not to be included as recreation space in computing the necessary area.
- 23. All driveways, motor vehicle parking spaces and walkways within such parks shall be hard surfaced and adequately drained and lighted for safety and ease of movement.
- 24. Minimum widths of roadways within park shall be as follows:

| <u>Motor Vehicle Parking</u> | <u>Traffic Use</u> | <u>Minimum Pavement Width</u> |
|---|---------------------------|--|
| Parking prohibited | 2-way road | 22 Feet |
| Parallel parking, 1 side only | 1-way road | 21 Feet |
| Parallel parking, 2 sides | 1-way road | 31 feet |
| Parallel parking, 2 sides | 2-way road | 42 feet |

- 25. Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three (3) mobile home sites shall be not less than three (3) feet in width.
- 26. When exterior television antenna installation is necessary, a master antenna

shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.

27. One (1) automobile parking space shall be provided within one hundred fifty (150) feet of each mobile home site. The mobile home park shall provide one (1) additional automobile parking space for every two (2) mobile home stands.
28. No trailer designed for temporary or seasonal living shall be occupied in a mobile home park.

SECTION 4.7 - LOCAL NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)

The intent of this District is to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging marginal strip, business development along heavily traveled roads. It is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the nearby neighborhood resident population. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

a. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; studios; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
2. Business services including banks, loan offices, real estate offices, and insurance offices.
3. Offices of an executive, administrative, or professional nature.
4. Funeral homes.
5. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
6. Eating and drinking establishments, but not including drive-in types.
7. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.4.

8. Essential services and structures of a non-industrial character.
9. Accessory uses or structures.

b. Conditional Uses:

1. Churches and other buildings for religious worship.
2. Government- or community-owned buildings, but not including schools.
3. The sale of manufactured homes.
4. Day care centers.
5. Public and private nurseries.
6. Commercial communication towers as specified in Section 5.5.5.6.27.
7. Communication towers accessory to public schools and government uses.

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

See Section 4.11.

SECTION 4.8 - GENERAL HIGHWAY COMMERCIAL DISTRICT (C-2)

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the entire area and to accommodate commercial establishments which cannot be practically provided in a local neighborhood commercial area. The district requires key accessible locations because of the heavy volumes of traffic that permitted uses can generate.

a. Permitted Uses:

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

5. Eating and drinking establishments, but not including drive-in types.
6. Clubs and lodges.
7. Funeral homes.
8. Hotels and motels.
9. Printing establishments
10. Establishments that sell or rent new motor vehicles, trailers and boats and any related services offered by such an establishment including the sale and service and repair of used motor vehicles, trailers and boats.
11. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.25.
12. Accessory uses or structures.
13. Essential services and structures of a non-industrial character.

b. Conditional Uses:

1. Automobile service stations.
2. Automobile repair garages.
3. Small animal clinics.
4. Drive-in business services.
5. Drive-in theaters.
6. Car wash.
7. Churches and other buildings for religious worship.
8. Government- or community-owned buildings, but not including schools.
9. Warehousing and wholesaling provided all activities are conducted within a completely enclosed building.
10. Sales and rental of used motor vehicles, trailers and boats.

11. Single-family residences intended for a watchman or caretaker associated with a Commercial Use for on-premises security.
 12. Day care centers.
 13. Public and private nurseries.
 14. Commercial communication towers as specified in Section 5.5.5.6.27.
 15. Communication towers accessory to public schools and government uses.
- c. Area, Yard, Height, and Bulk Regulations:

See Section 4.11.

SECTION 4.9 - LIGHT INDUSTRIAL DISTRICT (I-1)

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

- a. Permitted Uses:
1. Storage warehouses.
 2. Vehicle repair garages, but not including auto junk yards.
 3. Trucking terminals
 4. Farm machinery and equipment sales and repair.
 5. Contractor's yard.
 6. Mini-warehouses.
 7. Industrial office buildings.
 8. General service and repair establishment including dyeing, cleaning, or laundry works and upholstery or appliance repair.
 9. Assembly and manufactures, from prefabricated parts, of household

appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.

10. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
11. Research and testing laboratories.
12. Essential services and structures.
13. On-site and off-site signs only in accordance with the regulations as specified in Article V, Section 5.2.5 and 5.2.6.

b. Conditional Uses:

1. Wholesale and retail merchandising.
2. Single-family residences intended for a watchman or caretaker associated with an industrial use for on-premise security.
3. Business Schools, including Gymnastic Schools, Dance Schools, Music Schools, and Art Schools.
4. Commercial communication towers as specified in Section 5.5.5.6.27.
5. Communication towers accessory to public schools and government uses.
6. Recycling centers.

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

See Section 4.11.

SECTION 4.10 - GENERAL INDUSTRIAL DISTRICT (I-2)

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.

a. Permitted Uses:

1. All industrial uses not in conflict with any enacted state or local laws, or any provisions of this Ordinance.

2. Railroad terminals.
3. Any use permitted in the Light Industrial District.

b. Conditional Uses:

1. Junk yards.
2. Sanitary landfills.
3. Bulk oil storage.
4. Commercial communication towers as specified in Section 5.5.5.6.27.
5. Communication towers accessory to public schools and government uses.
6. Recycling centers.

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

See Section 4.11.

SECTION 4.11 - AREA, YARD, HEIGHT, AND BULK REGULATIONS

| Zoning District | Zoning Symbol | LOT REQUIREMENTS | | | MINIMUM YARD REQUIREMENTS | | | MAXIMUM BUILDING HEIGHT REQUIREMENTS | | MINIMUM TRANSITION STRIP REQUIREMENTS | REMARKS |
|-------------------------------|---------------|------------------|---------------|------------------|---------------------------|-------------------------|----------------------|--------------------------------------|-----------|--|--|
| | | Minimum Areas | Minimum Width | Maximum Coverage | Front | Side | Rear | Principal | Accessory | | |
| Primary Agriculture | AG-1 | 1 acre | 200 ft. | 10% | 60 ft. ‡ | 10 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 80 ft. | None | See 4.11.7 for maximum density regulations. |
| Low Density Single-Family | R-1 | 10,000 ft² | 100 ft. | 30% | 35 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | Single-family detached dwelling units with central sewer. |
| | | 15,000 ft² | 120 ft. | 30% | 35 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | Single-family detached dwelling units without central sewer. |
| | | 1 acre | 120 ft. | 30% | 35 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | All other uses. |
| High Density Single-Family | R-2 | 7,500 ft² | 60 ft. | 30% | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | Single-family detached dwelling with central sewer. |
| | | 15,000 ft² | 120 ft. | 30% | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | Single-family detached units without central sewer. |
| | | 1 acre | 120 ft. | 30% | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | All other uses. |
| Two-Family Townhouse | R-3 | 7,500 ft² | 60 ft. | 30% | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | Single-family detached dwellings. |
| | | 15,000 ft² | 90 ft. | 30% | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | Two-family dwellings. |
| | | 17,000 ft² | 120 ft. | 30% | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | Three-family dwellings with central sewer. |
| | | 19,000 ft² | 120 ft. | 30% | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | Four-family dwellings with central sewer. |
| | | ½ acre | 120 ft. | 30% | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 2 ½ story or 35 ft. | 25 ft. | None | All other uses. |
| Multiple-Family | R-4 | 7,500 ft² | 60 ft. | N/A | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 3 story or 42 ft. | 25 ft. | None | Single-family detached dwellings. |
| | | 10,000 ft² | 80 ft. | N/A | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 3 story or 42 ft. | 25 ft. | None | Two-family detached dwellings. |
| | | 15,000 ft² | 120 ft. | N/A | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 3 story or 42 ft. | 25 ft. | None | 15,000 sq. first 3 units + 2,000 sq. ft. each additional dwelling. |
| | | ½ acre | 120 ft. | N/A | 25 ft. ‡ | 10 ft. / 35 ft. ‡ | 25 ft. | 3 story or 42 ft. | 25 ft. | None | All other uses with central sewer. |
| Mobile Home | R-5 | 10 acres | 35 ft. | 15% | 8 ft./20 ft. total ‡ | 10 ft. / 25 ft. total ‡ | 8 ft. / 20 ft. total | 1 story or 15 ft. | 15 ft. | See R-5 District | Minimum Site Size of a Mobile Home Park (with central sewer). |
| | | 5,000 ft² | | 15% | 8 ft./20 ft. total ‡ | 10 ft. / 25 ft. total ‡ | 8 ft. / 20 ft. total | 1 story or 15 ft. | 15 ft. | See R-5 District | Mobile Home Site on a Mobile Home Park. |
| Local Neighborhood Commercial | C-1 | 10,000 ft² | 80 ft. | 25% | 35 ft. | 20 ft. / 35 ft. | 35 ft. | 25 ft. | 25 ft. | Fence, wall or hedge 4 to 6 ft., 15 ft. wide if abutting a residential district | With central sewerage. |
| | | 15,000 ft² | 100 ft. | 25% | 35 ft. | 20 ft. / 35 ft. | 35 ft. | 25 ft. | 25 ft. | Fence, wall or hedge 4 to 6 ft., 15 ft. wide if abutting a residential district | Without central sewerage. |
| General Highway Commercial | C-2 | 10,000 ft² | 80 ft. | 25% | 35 ft. | 10 ft. / 35 ft. | 20 ft. | 35 ft. | 35 ft. | Fence, wall or hedge 4 to 6 ft., 15 ft. wide if abutting a residential district | With central sewerage. |
| | | 15,000 ft² | 100 ft. | 25% | 35 ft. | 10 ft. / 35 ft. | 20 ft. | 35 ft. | 35 ft. | Fence, wall or hedge 4 to 6 ft., 15 ft. wide if abutting a residential district | Without central sewerage. |
| Light Industrial | I-1 | 20,000 ft² | 100 ft. | 25% | 35 ft. | 20 ft. / 35 ft. | 20 ft. | 35 ft. | 35 ft. | Buffer strip 5 ft. wide and a solid masonry wall or fence not less than 6 ft. but not greater than 8 ft. in height if abutting a residential or commercial district. | None |
| General Industrial | I-2 | 3 acres | 300 ft. | 25% | 50 ft. | 60 ft. | 20 ft. | 35 ft. | 35 ft. | Buffer strip 5 ft. wide and a solid masonry wall or fence not less than 6 ft. but not greater than 8 ft. in height if abutting a residential or commercial district. | None |

Corner lots ‡See Section 4.11.9

4.11.1 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 districts in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- c. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

4.11.2 Yard Measurements:

- a. Lots which abut on more than one (1) 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.

4.11.3 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.

4.11.4 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, communication towers, penthouses for mechanical equipment, and water tanks.

b. Increased Height:

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

4.11.5 Utility Exemption.

Line and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.

4.11.6 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 district shall be subject to the same dimensional requirements affecting the principal structure, except, however, such accessory structure may be placed not less than six (6) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed twelve (12) feet in height.

4.11.7 Distance Between Grouped Buildings:

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

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

4.11.8 Schedule of Density Table for Use in the Agricultural District

- A. The following sliding scale density table shall be applied for land zoned AG-1, Agricultural:

| <u>Area of Lot of Record</u> | <u>Maximum Number of Additional Lots/Condominium Units Permitted</u> |
|------------------------------|--|
| 0 to 19.99 acres | 4 |
| 20 acres | 5 |
| 30 acres | 6 |
| 40 acres | 7 |
| 50 acres | 8 |
| 60 acres | 9 |
| 70 acres | 10 |
| 80 acres | 11 |
| 90 acres | 12 |
| 100 acres | 13 |
| 110 acres | 14 |
| 120 acres | 15 |
| 160 acres | 16 |
| 200 acres | 17 |
| 240 acres | 18 |
| 280 acres | 19 |
| 320 acres | 20 |
| 360 acres | 21 |
| 400 acres | 22 |
| 440 acres | 23 |
| 480 acres | 24 |
| 520 acres | 25 |
| 560 acres | 26 |
| 600 acres | 27 |
| 640 acres | 28 |

Each added 40 acres add one (1) lot.

At no time shall any additional lots/condominium units be permitted beyond those set forth above.

- B. Where livestock is raised or kept, any structure for housing of livestock, or any storage of hay, feed, or manure, shall be located not less than fifty (50) feet from any property line.
- C. The maximum height of farm structures shall be eighty (80) feet.

- D. Except for household pets, the rearing and housing of farm animals is prohibited on areas of less than three (3) acres, provided, however, that the Board of Appeals may grant permission to rear and house farm animals, for non-commercial purposes for limited periods of time.
- E. See the Michigan State Plat Act (Act 288) for additional regulations regarding division of lots.

4.11.9 See Section 5.23 for regulations regarding wheel chair ramps.

**ARTICLE V
SUPPLEMENTAL REGULATIONS**

SECTION 5.1 - PURPOSE

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

SECTION 5.2 - SIGN REGULATIONS

5.2.1 General Sign Regulations:

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

5.2.2 Permitted On-Site Signs in the Primary Agricultural Districts:

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

- a. one (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation not to exceed three (3) square

feet in area.

- c. One (1) on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
- d. One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.

5.2.3 Permitted On-Site Signs in Residential Districts:

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

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

5.2.4 Permitted On-Site Signs in the Local Neighborhood Commercial Districts:

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

- a. One (1) on-site identification sign may be affixed flat against the wall of a building. The total sign area shall not exceed one-quarter (1/4) square foot for each foot in length or height of the wall, whichever is greater. No such sign shall extend above the wall to which it is affixed.
- b. One (1) on-site freestanding identification sign may be erected for a neighborhood shopping center. Such sign shall not exceed twenty-four (24) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.

- c. One (1) on-site freestanding 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 (½) the distance of the required setback.

5.2.5 Permitted On-Site Signs in the General Highway Commercial and all Industrial Districts:

The following on-site signs are permitted on any one (1) lot in the General Highway Commercial and all Industrial District:

- a. One (1) on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. A two (2) feet wide perimeter without signage shall be established on the facade. The total sign area shall not exceed fifty (50) percent of the facade area within the perimeter. Facade shall consist of area above entrance doors or windows.
- b. One (1) on-site freestanding 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 (½) the distance of the required building setback.
- c. One (1) on-site freestanding 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 (½) 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 General Highway Commercial and all Industrial Districts under the following conditions:

- a. Off-site signs are required to conform to yard and height requirements as other principal structures-or buildings in the zone in which they are situated.
- b. Where two (2) or more off-site signs are along the frontage of a single street or highway, they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V type structure shall be considered a single sign.
- c. The total surface area, facing in the same direction of any offsite sign, shall not exceed three hundred (300) square feet in area.
- d. No off-site sign shall be erected on the roof of any building, nor have one (1) sign above another sign.

- e. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

5.2.7 Signs for Automobile Service Stations:

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

SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS

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

5.3.1 Plans:

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

5.3.2 Location of Off-Street Parking Areas:

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

5.3.3 Parking in Residential Districts:

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

- (2) The parking or storage of recreational vehicles, boats, campers, trailers, motor homes, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, is prohibited in the front yard of any lot, or closer to the side street on a corner lot than the setback line. A person may park one of the above named vehicles for a period of up to forty-eight (48) hours, after which the vehicle shall be moved. If further time is needed, a person may request an extension of no more than two (2) weeks from the Township chief of police.
- (3) For purposes of this section a commercial vehicle is defined as any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

5.3.4 Off-Street Parking Area Design:

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

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

5.3.5 Collecting Parking:

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

5.3.6 Determining Requirements:

For the purposes of determining off-street parking requirements, the following units of 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 or mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

b. Places of Assembly:

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

c. Fractions:

When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half

(1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

5.3.7 Schedule of Off-Street Parking Spaces:

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

| <u>Use</u> | <u>Parking Space Requirements</u> |
|--|---|
| Automobile or Machinery Sales and Service Garages | One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees. |
| Bank, Business, and Professional Offices | One (1) space for each two hundred (200) square feet of gross floor area. |
| Barber Shops and Beauty Parlors | One (1) space for each chair plus one (1) space for each employee. |
| Bowling Alleys | Seven (7) spaces for each alley. |
| Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools | One (1) space for each four (4) seats. |
| Dwelling Unit | Two (2) spaces for each family or dwelling unit. |
| Funeral Homes and Mortuaries | Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater. |
| Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops | One (1) space for each four hundred (400) square feet of floor area. |

| <u>Use</u> | <u>Parking Space Requirements</u> |
|---|---|
| Hospitals | One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees. |
| Hotels, Motels, Lodging Houses, Boarding Homes | One (1) space for each living unit plus One (1) space for each two (2) employees. |
| Automobile, Service Stations | One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees. |
| Manufacturing, Fabricating, Processing and Bottling Plants Research and Testing Laboratories | One (1) space for each two (2) employees on maximum shift. |
| Medical and Dental Clinics | One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee. |
| Restaurants, Beer Parlors, Taverns, and Night Clubs | One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. |
| Self-service Laundry or Dry Cleaning Stores | One (1) space for each two (2) washing And/or dry cleaning machines. |
| Elementary and Junior High Schools, Private or Public | One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled. |
| Senior High School and Institutions of Higher Learning, Private or Public | One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students. |
| 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. |

5.3.8 Exception:

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

SECTION 5.4 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

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

5.4.1 Plans:

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

5.4.2 Off-Street Loading Area Design:

- a. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) feet in height clearance.
- b. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- c. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

5.4.3 Off-Street Loading Area Space Requirements:

- a. In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- b. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.

- c. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 5.5 - CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of Madison Township 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 Madison Township. Such uses, on account of their peculiar locational 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 grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Planning Commission 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 Township Clerk by filing an official conditional use permit application form; submitting a site plan in accordance with Section 5.6 and depositing the required fee as established by resolution of the Madison Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

5.5.3 Application and Site Plan Requirements:

An application for a conditional use permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and a site plan as specified in, and in conformance with, Section 5.6 - Site Plan Review and Approval, of this Ordinance.

5.5.4 Public Hearing:

The Planning Commission shall hold a public hearing upon any application for a conditional use permit. The hearing shall be held in accordance with the requirements of Section 6.8 of this Ordinance - Public Notification.

5.5.5 Required Standards and Findings for Making Determinations:

The Planning Commission shall review the site plan submitted in accordance with Section 5.6 for proposed conditional uses in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets or does not meet these standards:

- a. Development standards applying to all proposed conditional uses:
 1. The proposed conditional use shall be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
 2. The proposed conditional use shall 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.
 3. The proposed conditional use shall 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.
 4. The proposed conditional use shall not be hazardous or disturbing to existing or future neighboring uses.
 5. The proposed conditional use shall not create excessive additional requirements at public costs for public facilities and services.
- b. Development standards applying to specific proposed conditional uses. A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body in accordance with Section 5.5.7 of this Ordinance.
 1. Airports, subject to the following standards:
 - a. The area proposed shall be sufficient to meet the Federal Aeronautics Administrations' requirements for the class of airport proposed.
 - b. There are no existing flight obstructions such as towers, chimneys or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways or landing strips of the airport.
 - c. There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the

Federal Aeronautics Administration of any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties, in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.

- d. Any building, hangars, or other structures shall be at least one hundred (100) feet from any street or lot line.
 - e. The site plan submitted for review and approval shall, in addition to the information required in Subsection 5.6.4, include the proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees, and overhead wires falling within the airport approach zone and less than five hundred (500) feet distance from the boundary lines of the airport.
2. Amusement parks, subject to the following standards:
- a. The lot size shall be a minimum of ten (10) acres.
 - b. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
 - c. There shall be provided at least a one hundred (100) foot setback from the property line abutting the County Primary Road or State or Federal Highway.
 - d. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.
3. Animal hospitals and non-profit animal shelters:
- a. Except where animals are kept in a soundproof air conditioned buildings, no structure or area occupied by animals shall be within three hundred (300) feet of the property line of any adjacent lot.
4. Automobile Service Stations, subject to the following standards:
- a. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
 - b. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the

property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.

- c. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- d. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited.

5. Automobile Repair Garages, subject to the following standards:

- a. An automobile repair garage shall be located not less than forty (40) feet from any street lot line.
- b. An automobile repair garage shall be located not less than one hundred (100) feet from any residentially zoned area.
- c. All repair equipment and activity shall be located within a completely enclosed building.
- d. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than ten (10) days.

6. Bulk Oil Storage, subject to the following standards:

- a. The storage and handling of flammable liquids shall comply with all State rules and regulations including the Fire Prevention Act, Act 207 of the Public Acts of 1941, as amended.
- b. All storage tanks above ground shall be located not less than two hundred (200) feet from any property lines.
- c. All storage tanks shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which will contain the total capacity of all tanks so enclosed.

7. Cemeteries, subject to the following standards:
 - a. The cemetery shall be designed so as to provide principal access directly onto a County Primary Road or a State or Federal Highway.
 - b. The minimum lot size shall be five (5) acres (unless a greater requirement is applied in other parts of the ordinance).
 - c. The perimeter of the site shall be fenced. Said fence shall measure from four to six feet in height and shall comply with the provisions of Section 5.15.
 - d. No graves shall be located within the required front, side, and rear yards as specified with the zoning district in which the cemetery is located.
 - e. No public mausoleum, columbarium, crematory, or cemetery chapel shall be erected within two hundred (200) feet of the lot or parcel on which it is located.
8. Churches, and other buildings for religious worship, subject to the following standards:
 - a. The minimum lot area shall be three (3) acres (unless a greater requirement is applied in other parts of this ordinance).
 - b. The minimum lot width shall be one hundred fifty (150) feet.
 - c. All front, side, and rear yard widths shall be a minimum of fifty (50) feet.
9. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles, subject to the following standards:
 - a. The minimum site size shall be ten (10) acres.
 - b. The sites shall have direct access to a County Primary Road or a State or Federal Highway.
 - c. There shall be provided at least a one hundred (100) foot setback from the property line that abuts the County Primary Road or State or Federal Highway.
 - d. Such use shall be located at least five hundred (500) feet from any property line of abutting residentially zoned lands.

- e. The perimeter of the site shall be fenced to a height of four (4) to six (6) feet in accordance with Section 5.15.
10. Convalescent homes, nursing homes, hospitals, sanitariums, and orphanages, subject to the following standard:
- a. No building shall be closer than one hundred (100) feet from any property line.
11. Country clubs, subject to the following standard:
- a. Clubhouses and accessory buildings shall be located not less than two hundred (200) feet from abutting residentially zoned lands.
12. Drive-in businesses, subject to the following standards:
- a. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
 - b. Ingress and egress driveways shall be located at least twenty-five (25) linear feet from any corner when said property abuts an intersection of two (2) streets to provide adequate sight distance from both vehicles and pedestrians.
 - c. No access or egress shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or back into any street.
 - d. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway.
 - e. All driveways providing ingress and egress to a drive-in business, shall be not more than thirty (30) feet wide at the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business.

13. Drive-in theaters, subject to the following standards:
 - a. 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.
 - b. All fenced-in areas shall be setback at least one hundred (100) feet from any front street or property line.
 - c. The area accessible to patrons' vehicles shall be treated with a suitable material to prevent dust.
 - d. Reservoir parking space off the street shall be provided for patrons awaiting admission in an amount not less than thirty (30%) percent of the vehicular capacity of the theater.
 - e. The vehicular circulation shall be so designed and constructed as to permit only one (1) way traffic within the boundaries of the tract on which the theater is to be located.
 - f. Ingress and egress from the highway shall be so designed and constructed as to provide for safe traffic movement.
 - g. The screen shall be so located and shielded that the picture shown thereon shall be invisible from any highway.
 - h. A structure for the sale and service of food and non alcoholic beverages may be permitted as an accessory use for a drive-in theater.
14. Funeral establishments subject to the following standard:
 - a. An adequate assembly area shall be provided off-street for vehicles to be used in a funeral procession in addition to vehicular parking requirements.
15. Feedlots, subject to the following standards:
 - a. The minimum lot area shall be ten (10) acres.
 - b. A site shall have direct access to a County Primary Road or a State or Federal Highway.
 - c. There shall be provided at least one hundred (100) foot setback from the property line that abuts the County Primary Road or State or

Federal Highway.

- d. Such use shall be located at least one thousand (1,000) feet from any property line of abutting residentially zoned lands.
- e. Such use shall be located at least five hundred (500) feet from any residence.

16. Golf courses, subject to the following standards:

- a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
- b. Development features including the principal and accessory buildings and structures shall be so located and related to as minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
- c. Minimum site requirements for a nine (9) hole course shall be not less than sixty (60) acres devoted exclusively to course use. Minimum site requirements for an eighteen (18) hole course shall be not less than one hundred thirty (130) acres devoted exclusively to course use.
- d. Accessory uses shall include, but are not necessarily limited to bathing and lounging, sale and consumption of food and alcoholic beverages on the premises, and sale and rental of golfing supplies and equipment.

17. Golf driving ranges, subject to the following standards:

- a. The area within five hundred (500) feet of all boundaries of the lot is not developed in residences to a greater density than one (1) family per acre.
- b. Any floodlights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property.
- c. Depending upon location, such activity may be limited to daylight or early evening hours.

18. Group or organized camps, camping grounds, and general or specialized resorts, subject to the following standards:

- a. Minimum lot size shall be three (3) acres (unless a greater requirement is applied in other parts of this ordinance). The lot shall provide direct vehicular access to a public street or road.
 - b. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) individual camp sites or not less than one (1) such station per each one hundred (100) persons.
 - c. No commercial enterprises shall be permitted to operate on the lot.
 - d. Such use shall be located at least three hundred (300) feet from any abutting residentially zoned lands.
19. Hospitals, sanitariums, and charitable institutions for human care, subject to the following standards:
- a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b. The proposed site shall have at least one (1) property line abutting a County Primary Road or a State or Federal Highway. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said County Primary Road or State or Federal Highway.
 - c. In the event one (1) or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories.
 - d. The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories shall be setback an additional one (1) foot for each five (5) feet of height above two (2) stories.
 - e. The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height.
 - f. Noise producing activities, such as ambulance and delivery areas shall be located not less than five hundred (500) feet from any residential area.

20. Junk yards, subject to the following standards:
- a. The Planning Commission shall grant only a temporary Certificate of Occupancy for a period not to exceed five (5) consecutive years, which certificate may be renewed by the Township Board at the expiration of each Certificate of Occupancy for a period not to exceed five (5) consecutive years; providing development of the adjacent property has not reached the stage that the salvage yard use has become objectionable.
 - b. The Certificate of Occupancy granted under the provisions of this Article shall be revoked by the Planning Commission if the holder violates any provisions of this Chapter or any special provision imposed by such Board.
 - c. Not over fifty (50%) percent of the lot area shall be used for the storage of motor vehicles for the sale of used parts therefrom.
 - d. That all salvage operations be conducted wholly within an enclosed building or within an area enclosed on all sides with a solid wall or fence not less than seven (7) feet in height.
 - e. That there shall be no burning or wrecked motor vehicles and that there shall be no stacking of motor vehicles.
 - f. There shall be no parts handled other than from motor vehicles.
 - g. All junk yard activities shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district.
 - h. All traffic ingress or egress shall be on County Primary Roads or State or Federal Highways, 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.
 - i. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
 - j. Conditional use permits for junk yards shall require approval by the Township Board based upon these Standards, in addition to the approval of the Planning Commission.

21. Kennels subject to the following standards:
 - a. Minimum lot size shall be five (5) acres (unless a greater requirement is applied in other parts of this ordinance).
 - b. All buildings that house animals that are not soundproof shall be located at least three hundred (300) feet from any adjacent property line.

22. Quarries, subject to the following standards:
 - a. 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 and said entrance way shall not be closer than one hundred (100) feet to any lot line.
 - b. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
 - c. On said lot no digging or excavating shall take place closer than two hundred (200) feet to any lot line.
 - d. On said lot, all roads, driveways, parking lots, and loading and unloading areas within two hundred (200) feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
 - e. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
 - f. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
 - g. 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.

- h. All fixed equipment and machinery shall be located at least two hundred (200) 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 two hundred (200) feet from any lot line.
- i. 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.
- j. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
- k. 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 Zoning Board. The anticipated cost of carrying out the plans of restoration shall be included with said plans.

The operator shall file with the Madison Township Board a performance bond, payable to the Township Clerk 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 Madison Township Board. The bond shall be released upon written certification of the Zoning Inspector (Building Inspector) that the restoration is complete and in compliance with the restoration plan.

- m. The permit of each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon re-application, 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.

23. Riding academies and stables, subject to the following standards:
 - a. All buildings housing animals and all corrals in which animals are kept or assembled in concentrated groups, shall be at least three hundred (300) feet from any property line.

24. Sanitary landfills subject to the following standards:
 - a. All sanitary landfills shall be subject to the provisions of the Michigan Solid Waste Management Act, Public Act 641 of 1978.
 - b. 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. And no entrance way shall be closer than one hundred (100) feet to any lot line.
 - c. On said lot no sanitary landfill activities shall take place closer than one hundred (100) feet to any lot line.
 - d. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
 - e. Any refuse odors, fumes, or dust generated on said lot by any sanitary landfill or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot so as not to cause a nuisance or hazard on any adjoining lot or public road.
 - f. Such sanitary landfill operation shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
 - g. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.

- h. 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.
 - i. All areas within any single development shall be rehabilitated progressively as they are filled to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
 - j. The operator shall file with the Planning Commission and the Zoning Inspector (Building 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 no greater intervals than five (5) feet, proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Soil 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.
 - k. The operator shall file with the Madison Township Board a performance bond, payable to the Township Clerk 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 Madison Township Board. The bond shall be released upon written certification of the Zoning Inspector (Building Inspector) that the restoration is complete and in compliance with the restoration plan.
 - l. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon re-application, or 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.
 - m. Conditional use permits for sanitary landfills shall require approval by the Township Board, based upon these standards, in addition to the approval of the Planning Commission.
25. Single-family residences intended for a watchman or caretaker associated with a commercial or industrial use for on-premises security, subject to the following standards:
- a. The residence shall be on the same lot as the main use of the property

and shall be clearly incidental and secondary to the use of the property for industrial or commercial purposes.

- b. The area of the lot used for residential purposes shall be no greater than twenty-five (25) percent of the area of the lot used for industrial or commercial purposes.
- c. The dwelling shall be located in such a way that it does not interfere with the use or appearance of the parcel for commercial or industrial purposes, and in such a way that it does not interrupt the industrial or commercial frontage of the lot.
- d. Parking shall be provided for the residence in accordance with Section 5.3 and shall be located and arranged on the parcel to avoid conflict with the use of the parcel for industrial or commercial purposes.

26. Travel trailer parks, subject to the following standards:

- a. The minimum lot area for a travel trailer park shall be ten (10) acres.
- b. The site shall be well-drained and not exposed to objectionable noise or odors.
- c. Each travel trailer space shall contain at least two thousand (2,000) square feet and be at least thirty (30) feet wide. Each space shall be clearly defined on the ground by stakes or markers.
- d. Travel trailer spaces shall be so arranged that no trailer will be parked less than fifteen (15) feet from adjacent trailer. Travel trailer spaces adjacent to a major street or highway shall provide a trailer setback of at least twenty-five (25) feet.
- e. Access to travel trailer parks shall be directly from a County Primary Road or State or Federal Highway and such access be of a design that will minimize traffic congestion. The minimum street or roadway within such park shall be at least thirty (30) feet in width. Dead end street shall not exceed one hundred seventy-five (175) feet in length and the turning circle shall be at least eighty (80) feet in diameter.
- f. All entrances and exit lanes within such park shall be lighted to provide an intensity of at least five (5) foot candles.
- g. A recreational area shall be provided in each travel trailer park at a ratio of at least two hundred (200) square feet per space, with a minimum of five thousand (5,000) square feet per park.

- h. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
- i. No commercial enterprises shall be permitted to operate on the lot, except that a convenience good shopping building may be provided on a lot containing more than eighty (80) sites.
- j. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.

27. Commercial Communications Towers

The intent of this Section is to regulate the location of commercial towers, including wireless communications towers and antennas, within given geographic areas while protecting the safety of character of nearby residential areas and the Township. It is further the intent of this Section: (I) to require collocation of transmission and receiving apparatus on existing towers, unless it can be demonstrated by the applicant that collocation is not technically feasible; (ii) to require that new towers make provision for collation of additional users wherever technically feasible; and (iii) to require users of towers and antennae to configure them in a way that minimizes the adverse visual impacts of the towers and antennae through careful design, siting, landscape screening, minimized heights, and innovative camouflaging techniques.

A. Information Required:

In addition to any information required for preliminary and/or final site plan under Section 5.6 (“Site Plan Review”) of this Ordinance, applicants shall submit the following information as part of their conditional use permit application:

- 1. An inventory of all existing towers, antennae, or sites approved for towers or antennae, that are either within the jurisdiction of Charter Township of Madison or within one (1) mile of the border thereof, including specific information about the location, height, design,, and separation distances of each tower. Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennae within the jurisdiction of the Charter Township of Madison, provided, however, that the sharing of such information in no way

constitutes our presentation or warrant by the Township that such sites are available or suitable.

2. A scaled site plan clearly indicating the location, type, and height of the proposed tower and/or antenna; on-site land uses and zoning; adjacent land uses and zoning; Growth Management Plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures; topography; parking; and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section.
3. Legal description of the parent tract and leased parcel (if applicable).
4. The setback distance between the proposed tower and/or antenna and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned parcels.
5. A landscape plan showing specific landscape materials.
6. Method of fencing, and finished color, and if applicable, the method of camouflage and illumination.
7. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
8. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
9. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
10. A description of the feasible location(s) of future towers or antennae with the Township based on existing physical, engineering, technological, or geographical limitations in the

event the proposed tower is erected.

11. A technical analysis setting forth the minimum height necessary for reasonable communication by the applicant and an evaluation of alternative designs which might result in lower tower heights.
12. An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.
13. Certification by a registered structural engineer, and the applicant shall submit verification that the proposed tower and/or antenna installation is in compliance with the standards, rules and requirements of all applicable federal, state, or local agencies and bodies having the authority to regulate towers and antennae all applicable codes, including without limitation all applicable standards of the Federal Aviation Administration and the Federal Communications Commission, or their successors. If such standards and regulations are changed, then the owners of the towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling local, state, or federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for removal of the tower and/or antenna at the owner's expense.
14. If the applicant seeks to erect a new tower, evidence shall be submitted by the applicant that there are no reasonable and suitable alternatives for location of equipment on an existing communications tower within the service area of the proposed tower. The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review. This evidence shall consist of the following:
 - a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient

height to meet applicant's engineering requirements.

- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Fees exceeding the cost of new tower development are presumed to be, unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures are unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple lower-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- h. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a licensed professional engineer.

B. Factors to Consider in Granting a Conditional Use Permit: In addition to any standards for consideration of conditional use permit applications contained in Article 6 ("Conditional Uses") herein, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit, although the Planning Commission may waive or reduce one (1) or more of these criteria if the Planning Commission determines that the goals of this Section are better served thereby:

1. Height of the proposed tower.

2. Proximity of the tower to residential structures and residential district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Proposed ingress and egress.
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures. Wherever possible communications apparatus should be located on an existing tower or other structure capable of accommodating such apparatus. If an applicant seeks to erect a new tower, the applicant must demonstrate to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.
9. Tower must meet Airport Zoning Ordinance which regulates the height of structures near the Airport.

C. Conditions of Approval: In granting a conditional use permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines such conditions are necessary to minimize any adverse impact of the proposed tower and/or antenna on adjoining or nearby properties. In addition, all conditional use permits granted for commercial communication towers shall be subject to the following conditions:

1. No tower shall be located within three thousand (3,000) feet of another commercial communication tower.
2. No tower shall be located closer than one thousand (1,000) feet from the boundary of any Residential or AGI District.
3. A tower shall have a minimum setback from all property

boundaries equal to the height of the tower.

4. Guys and accessory buildings must satisfy the minimum zoning district regulations.
5. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal and county jurisdictional boundaries.
6. Unobstructed access constructed in accordance with all provisions of this Ordinance shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles.
7. Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least possible disturbance to the surrounding views. The use of strobe lights on a tower shall be prohibited in the absence of a demonstrated need.
8. Towers shall not exceed one hundred eighty (180) feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
9. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local or state building codes and, where applicable, the standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, the Township determines that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
10. Antennae and metal towers shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers shall comply with all applicable local, state, and federal statutes, regulations, and standards.
11. Towers with antennae shall be designed to withstand a

uniform wind loading as prescribed in the Building Code.

12. Towers and structures shall be subject to any state and/or federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption, or the Conditional User Permit shall be subject to revocation by the Township Board. The operator of the tower shall bear the costs for testing and verification of compliance.
13. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
14. The base of the tower shall occupy no more than five hundred (500) square feet.
15. The owners of all communications towers shall be required to provide to the Township Zoning Inspector an annual report of total radiation output from all channels and frequencies and all antennae on the tower.
16. All towers, antennae and appurtenant apparatus buildings shall meet the following design standards.
 - a. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
 - b. Advertising signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - c. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
 - d. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural settings and

surrounding buildings.

- e. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
17. The tower and appurtenant apparatus building shall be secured by fencing a minimum of six (6) feet in height. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing and/or building. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers site on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Planning Commission may waive the landscaping requirements of this Paragraph.
 18. No employees shall be located on the site on a permanent basis to serve or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
 19. Owners and/or operators of towers and/or antennae shall certify that all franchises required by law for the construction and/or operation of a commercial communications system, including a wireless communication system, if applicable, have been obtained and shall file a copy of all required franchises with the Township.
 20. The approval of any new tower is conditioned on subject to the removal of said tower with six (6) months of cessation of operation. The Township reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this Section or existing at the time of adoption of this Ordinance, that is not operated for a continuous period of six (6) months shall be deemed abandoned. Failure to remove an abandoned antenna or tower within ninety (90) days of receipt of a notice from Madison Township requesting such removal shall be grounds for

Madison Township to remove the tower or the antenna at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

Site Plan Required: The applicant shall submit a preliminary and final site plan in accordance with Section 5.6 ("Site Plan Review and Approval") herein, and including details of tower lighting required and approved by the Federal Aviation Administration.

5.5.6 Approval of Conditional Use Permit:

Upon review of the application and site plan in accordance with the standards established in Section 5.5.5, holding of public hearing in accordance with Section 5.5.4, and review of the requirements of other provisions of this Ordinance as they apply to the proposed conditional use, the Planning Commission shall approve, approve subject to conditions in accordance with Section 5.5.7, or deny the conditional use permit within thirty (30) days following the public hearing. For the purposes of this Section, the approval of the Site Plan shall constitute the approval of the conditional use permit. A request for approval of a conditional use permit which is in compliance with standards stated in the zoning ordinance, the conditions imposed pursuant to Section 5.5.7, other applicable ordinances, and state and federal statutes, shall be approved. Upon approval of the conditional use permit, a copy of the approved site plan shall be forwarded to the applicant, Clerk, Zoning Inspector (Building Inspector), and Planning Commission along with full documentation regarding the findings of the review and approval or denial. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the approved Site Plan. The Planning Commission's decision on the conditional use may be appealed to the Zoning Board of Appeals.

5.5.7 Imposition of Conditions:

Upon review of the application and site plan in accordance with the standards established in Section 5.5.5 and the requirements of other provisions of this ordinance, the Planning Commission may require reasonable conditions necessary to insure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased service and facility loads generated by the land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner.

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 building and structures identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

- a. Any conditional use.
- b. A multiple-family building containing six (6) or more dwelling units.
- c. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
- d. A Mobile Home Park.
- e. Shopping centers.
- f. Planned Residential Development.
- g. In addition, a site plan shall be required for any use when deemed necessary by the Building Inspector, Planning Commission or Township Board.

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 Madison Township Board.

Fees applicable to site plan reviews for Planned Unit Developments and Conditional Uses are waived in lieu of fees established by resolution of the Madison Township Board for these purposes. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

5.6.3 Planning Commission Review of Site Plan:

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

5.6.4 Required Data for Site Plan:

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

- a. Every site plan submitted, except site plans required for uses as prescribed in Subsection 5.6.4.b of this Ordinance, shall be drawn to a readable scale and shall include the following:
 1. The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 2. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
 3. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
 4. The current zoning classifications on the subject property and all adjacent property.
- b. Site plans submitted for the following uses shall be subject to the requirements of Subsection 5.6.4.c.
 1. The following conditional uses:
 - a. Quarries.
 - b. Travel trailer parks.
 - c. Commercial feedlots.
 - d. Sanitary landfills.
 - e. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
 - f. Amusement parks.

- g. Planned unit residential developments (see Section 5.19).
 - h. Mobile home parks.
 - i. Automobile service stations.
 - j. Churches.
 - k. Drive-in businesses.
 - l. Automobile repair garages and gasoline service stations.
 - m. Drive-in theaters.
 - n. Junk yards.
 - o. Bulk oil storage.
 - p. Hospitals.
- 2. A multiple-family building containing six (6) or more dwelling units.
 - 3. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
 - 4. Any site plan determined to be necessary by the Building Inspector, Planning Commission, or Township Board.
- c. Site plans submitted for the uses prescribed in Subsection 5.6.4.b shall be submitted in accordance with the following requirements:
- 1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals one hundred (100) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one (1) drawing where required for clarity.
 - 2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
 - 3. The site plan shall show the scale; north point; boundary dimensions; topography (at least two (2) foot contour intervals); and natural features, such as woodlots, streams, rivers, lakes, drains, and similar features.
 - 4. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as water

and sewer lines, excavations., bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.

5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one (1) to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.
6. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
7. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.

5.6.5 Standards for Site Plan Review:

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

In addition, each of the following standards shall apply:

- a. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- b. The use shall not inappropriately change the essential character of the surrounding area.
- c. The use shall not interfere with the general enjoyment of adjacent property.
- d. The use shall represent an improvement to the use or character of the property under

consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.

- e. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.
- f. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
- g. The use shall not place demands on public services and facilities in excess of current capacity.
- h. The use shall be consistent with the intent and purpose of this Ordinance.
- i. All access drives or points shall be approved by County Road Commission or State Highway Department.

5.6.6 Approval of Site Plan:

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

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

5.6.7 Expiration of Site Plan Certificate:

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

5.6.8 Amendment, Revision of Site Plan:

A site plan and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon

application and in accordance with the procedure provided in Section 5.6 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

SECTION 5.7 - NONCONFORMITIES

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

5.7.1 Nonconforming Uses of Land:

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

- a. No such nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- b. No such nonconforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date or adoption or amendment of this Ordinance.
- c. If such nonconforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this Ordinance for the district in which such land is located.

5.7.2 Nonconforming Structures:

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason 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%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- d. Notwithstanding the provisions of Section 5.7.2.a of this Ordinance) a non-conforming single-family dwelling located in an agricultural district, used for residential purposes, that existed prior to the adoption of this Ordinance, may be enlarged, expanded, extended or altered so long as all setback and side yard requirements are met. A non-conforming single-family dwelling may not be reconstructed if destroyed as described in Section 5.7.2.b.

5.7.3 Nonconforming Uses of Structures:

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

- a. No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- b. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- c. Any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinance repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10%) percent of then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- d. Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

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

5.7.4 Change of Tenancy or Ownership:

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is no change in the nature or character of such nonconforming use, building, or structure.

5.7.5 Nonconforming Lots:

Any lot which was lawful at the time of the effective date of adoption or amendment of this Ordinance, but does not comply with all the provisions of this Ordinance may be continued in use; provided however, the change in use of, or the location, modification, or construction of any structure on such lot shall not be permitted; except upon a variance approved by the Zoning Board of Appeals based upon a finding that such a variance is warranted, and subject to such conditions as the Zoning Board of Appeals may find necessary to provide for the public health, safety, morals, and general welfare.

SECTION 5.8 - PERFORMANCE STANDARDS

5.8.1 Requirements:

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:

a. Noise:

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

b. Vibration:

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

c. Smoke:

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

d. Odor:

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

e. Air Pollution:

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

f. Glare:

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

g. Erosion:

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

5.8.2 Plans:

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

5.8.3 Enforcement:

The Zoning Inspector may refer the application to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Madison Township Board.

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 agricultural district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
- b. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- c. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

SECTION 5.10 - MOBILE HOMES AND TRAVEL TRAILERS

- a. No mobile home shall be used other than as a single-family dwelling, in the R-5 zoning district except a mobile home may be used as a temporary field office and/or security office in any commercial or industrial district provided it is certified by the Zoning Inspector.
- b. A mobile home may be utilized as a temporary single-family dwelling in the AG-1 "Primary Agricultural District" provided the mobile home is located on the same lot or parcel of land where a single-family dwelling is to be constructed. The temporary occupancy permit is limited to three hundred and sixty-five (365) days with an extension for an additional three hundred and sixty-five (365) days subject to the approval of the Township Building Inspector. When the temporary occupancy permit has expired, the mobile home shall be removed from the lot or parcel. Any person requesting a temporary use occupancy permit according to this section shall pay the fee established by resolution of the Township Board.
- c. Mobile trailer offices may be permitted in any non-residential district on a temporary basis with extensions as necessary as granted by the Zoning Board of Appeals.
- d. No travel trailer shall be used as a dwelling except for a period not to exceed two (2) weeks and in a duly licensed travel trailer park.

SECTION 5.11 - VISIBILITY AT INTERSECTIONS

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

SECTION 5.12 - ACCESS TO PUBLIC STREETS, PRIVATE ROADS AND DRIVEWAYS

5.12.1 Definitions:

- a. A “driveway” is an improved or unimproved path or road extending from a public or private road to a single lot, building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
- b. A “shared driveway” is a path or road extending from a public or private road to 2 to 4 lots, buildings, dwellings or structures, intended to provide ingress and egress primarily for the occupants thereof.
- c. A “private road” is the entire length of any undedicated path, drive or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress and egress to 5 or more lots, dwellings, dwelling units or structures or combination thereof. Driveways providing access to a single building, dwelling or structure are not considered to be part of a private road. Private road provisions of this Section shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this section include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile-home parks, and shopping centers.
- d. A “private road easement” is an easement which is granted exclusively to private access to 4 or more lots, whether by grant or easement, private dedication, designation as a common area, or other means, and which contains a private road.
- e. An “existing private road” is a private road which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this Section.
- f. A “existing lot” is a lot which, as of the effective date of this Section meets at least one of the following conditions:
 - (i.) The lot consists of a parcel described by metes and bounds for which a deed

has been recorded with the Lenawee County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Lenawee County Register of Deeds;

- (ii.) The lot has been assigned its own permanent parcel number by the Lenawee County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - (iii.) The lot consists of a “condominium unit” (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a “site condominium” development for which a condominium master deed has been recorded with the Lenawee County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) And other applicable laws and ordinances.
- g. An “existing building” or an “existing dwelling unit” is a building or dwelling unit for which a building permit has been issued by the Township as of the effective date of this Section.

5.12.2 Access to Streets:

In all zoning districts every use, building, or structure built or established after the effective date of this Ordinance shall be on a lot or parcel which adjoins either a public street or a private road, subject to the standards set forth in this Section, and which shall have access to the public street or private road by means of a driveway or approved shared driveway.

5.12.3 Shared Driveways:

a. Minimum Standards and Requirements Applicable.

- (i.) After the effective date of this Section, no shared driveway shall be constructed, extended, improved or relocated, nor shall an existing driveway be used or extended to provide access to a second lot, building or dwelling unit which was not existing and which was not provided access by the driveway as of the effective date of this Section, except in accordance with the minimum standards and requirements of this Section.
- (ii.) For a shared driveway existing as of the effective date of this Section, which thereafter becomes a private road by extension or lot division, the existing portion of the shared driveway shall be improved to the private-road requirements stated in this Section.

b. Design Standards and Construction.

- (i.) The area in which the shared driveway is to be located shall have a minimum

cleared width of 30 feet. The cleared width shall be maintained by those having legal right to use the shared driveway.

- (ii.) A shared driveway shall be located within an easement of not less than 36 feet wide.
- (iii.) Only one shared driveway shall be located within an easement.
- (iv.) The driving surface shall be at least 16 feet wide.
- (v.) All shared gravel driveways shall be constructed on a base of stable soil and a minimum of 6 inches of MDOT 22A compacted road gravel on the top thereof.
- (vi.) The driving surface of the shared driveway shall be crowned or sloped to facilitate drainage.
- (vii.) The longitudinal slope of the driveway shall be crowned or sloped to facilitate drainage.
- (viii.) The driving surface of the shared driveway serving only two (2) buildings, dwelling or structures is not required to be paved.
- (ix.) The driving surface of a shared driveway serving three (3) or four (4) buildings, dwelling or structures is required to be paved.
- (x.) When a shared driveway crosses a natural stream or drainage course, adequate provisions shall be included to maintain the surface water flow to the satisfaction of the Zoning Administrator and any other agency having jurisdiction thereof. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support fire department equipment.
- (xi.) Except where the driveway crossed a natural stream or drainage course, the driveway shall be no closer than 25 feet from the stream or drainage course or other body of water.
- (xii.) The inside radius of a driveway curve shall be a minimum of 40 feet.
- (xiii.) House of numbers shall be visibly displayed at the intersection of the shared driveway and the public or private road.
- (xiv.) The edge of the shared driveway shall be set back a minimum of 20 feet from any existing principal dwelling not served by the shared driveway. For shared driveways serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is

needed to achieve safe and efficient traffic flow both on and off site.

- (xv.) A shared driveway which intersects a public or private road shall be a minimum of 60 feet from any other shared driveway, or a private or public road which is on the same side of the road. This distance shall be measured between centerlines.

c. Review and Approval of Shared Driveway Plan.

- (i.) Prior to constructing, extending, improving or relocating a shared driveway, or using or extending an existing driveway to provide access to a second lot, building, or swelling unit, which was not existing and which was not provided access by the driveway the effective date of this Section a plan for the shared driveway shall be submitted to the Township Fire Chief and to the Zoning Administrator to determine compliance with the standards and requirements of this Section.
- (ii.) A shared driveway which is part of a Planned Unit Development, Site Condominium, Subdivision or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the shared driveway regulations of this Ordinance and approval by the Township Engineer and Fire Chief.
- (iii.) The plan for the shared driveway shall accurately show the location, route, dimensions, design and grade of the shared driveway; the relation of the shared driveway to adjacent or intersecting public or private roads and other shared driveways; existing, or proposed curb cuts; the lots; buildings or dwelling units, existing, or proposed, which will be provided access by the shared driveway; and the location of any drainage courses, lakes, streams or other natural bodies of water within the shared-driveway easement and within 100 feet of the easement.
- (iv.) If the Township Fire Chief, Township Engineer, and the Zoning Administrator or the Planning Commission determine that the shared driveway meets the standards and requirements of this Section, then the plan shall be approved and the shared driveway may be constructed, extended improved or relocated in accordance with the approved plan.

d. Shared Driveway Agreement. A written agreement executed by all property owners who will have the use of the shared driveway shall be submitted to the Zoning Administrator to determine compliance with the standards and requirements of this Section. This agreement shall:

- (i.) Provide for maintenance of the shared driveway and for the payment of the costs associated with such maintenance.

- (ii.) Identify the parties responsible for the maintenance, repair and/or replacement of the shared driveway and provide a mailing address for each party.
- (iii.) Provide that in the event that any responsible party fails to maintain the shared driveway in a reasonable good condition and order, Madison Charter Township may serve written notice upon any responsible party setting forth the manner in which the shared driveway has not been maintained in reasonable condition and order.
 - A. This notice shall include a demand that deficiencies in the maintenance, repair or replacement be cured within sixty (60) days thereof and notifying each responsible party of the date, time and place of a public hearing before the Madison Charter Township Board, or such other Board or body to which the Madison Charter Township shall delegate such responsibility.
 - B. Such hearing shall be held within fifteen (15) days of the notice. At such hearing the township may modify the terms of the original notice of deficiencies in the maintenance, replacement and repair and may grant an extension of time within which such deficiencies shall be cured.
 - C. If the deficiencies set forth in the original notice, or in the modification thereof, are not cured within said sixty (60) day period, or any extension of time granted at the hearing, the Township, in order to eliminate and cure the deficiencies in the operation and maintenance, repair and replacement of the shared drive, may enter upon shared drive and so much of the adjoining properties as is necessary to maintain, repair or replace the shared driveway.
 - D. Madison Charter Township may assess the cost incurred in enforcing such right to the responsible parties, and if not paid within (30) days, said costs shall be assessed equally against all parties and shall become a lien on the properties the same manner as general property taxes.
 - E. Nothing contained herein shall obligate the Township to undertake these maintenance, repair or replacement responsibilities, the choice whether or not to do so being exclusively that of Madison Charter Township.

e Issuance of Building Permits. A building permit for a building or dwelling to be served by a shared driveway shall not be issued unless the applicant for the building permit provides the Township Building Inspector with (i) proof of lawful access over

the shared driveway to the lot, parcel or building site; (ii) an approved plan for the shared driveway; (iii) an approved shared driveway agreement and (iv) a driveway permit for the shared driveway issued by the Lenawee County Road Commission, as applicable.

5.12.4 Private Roads:

- a. Minimum Standards and Requirements Applicable. After the effective date of this Section, no private road shall be constructed, extended, improved or relocated, nor shall an existing private road be used or extended to provide access to a lot, building or dwelling unit which was not existing and which was not provided access by the private road as of the effective date of this section, except in accordance with the minimum standards and requirements of this Section.
- b. Design Standards and Construction.
 - (i) A private road shall be located within a private road easement.
 - (ii) The private road shall be constructed to Lenawee County Road Standards.
 - (iii) A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
 - (iv) A private road, or interconnected private and public road system, or any combination of public and/or private roads shall not serve more than 75 residential lots, site condominium units, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the minimum standards of this Section.
 - (v) A private road shall be given a street name that is not the same or similar to any other street name in the County as determined by the Lenawee County Road Commission. A readily visible street sign bearing the name given the private road shall be erected and maintained at the intersection of the private road with another private road or a public right-of-way.
 - (vi) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road.
 - (vii) The edge of the private road pavement shall be set back a minimum of 35 feet from any existing principal dwelling not served by the private road. For private roads serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is needed to

achieve safe and efficient traffic flow both on and off site.

- (viii) In order to facilitate access to adjoining properties when appropriate, reserve strips may be required by the Planning Commission between the terminus of a private road and the property's boundary. The reserve strip shall be illustrated on the private road plans. In considering whether to require a reserve strip, the Planning Commission shall consider the following factors:
 - A. Whether cross-access across adjoining properties would improve traffic circulation in both developments.
 - B. Whether or not it is practical to align the private roads.
 - C. The relative size and intensity of the adjoining developments, and
 - D. Whether or not there is an existing second means of access for the development.

c. Review and Approval of Private Road Plan.

- (i) Prior to constructing, extending, improving or relocating a private road, or using or extending an existing private road to provide access to a lot, building, or dwelling unit, which was not existing and which was not provided access by the private road as of the effective date of this Section, a plan for the private road shall be submitted to the Township Fire Chief and to the Site Plan Review Committee of the Planning Commission to determine compliance with the standards and requirements of this Section.
- (ii) The plan for the private road shall be prepared and sealed by a registered engineer or surveyor and shall show the location, route, dimensions, design and grade of the private road; the relation of the private road to adjacent or intersecting public or private roads; existing, or proposed curb cuts; the lots; buildings or dwelling units, existing and proposed, which will be provided access by the private road; the location of public utilities within the private road easement and within 20 feet of the easement; the location of any drainage courses, lakes, streams or other natural bodies of water within the private road easement and within 100 feet of the easement; and the street name and location of street signs.
- (iii) A private road which is part of a Planned Unit Development, Site Condominium, Subdivision or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the private road regulations of this Ordinance and approval by the Township Engineer and Fire Chief.

- (iv) If the Township Fire Chief, Township Engineer, and the Site Plan Review Committee or the Planning Commission determine that the private road meets the standards and requirements of this Section, then the plan shall be approved and the private road may be constructed, extended, improved or relocated in accordance with the approved plan.

- d. Private Road Agreement. A written agreement, executed by all property owners who will have the use of the private road, shall be submitted to the Zoning Administrator to determine compliance with the standards and requirements of this Section. This agreement shall:
 - (i) Provide for maintenance of the private road and for the payment of the costs associated with such maintenance.
 - (ii) Identify the parties responsible for the maintenance, repair and/or replacement of the private road and provide a mailing address for each party.
 - (iii) Provide that in the event that any responsible party fails to maintain the private road in a reasonable good condition and order, Madison Charter Township may serve written notice upon any responsible party setting forth the manner in which the private road has not been maintained in reasonable condition and order.
 - A. This notice shall include a demand that deficiencies in the maintenance, repair or replacement be cured within sixty (60) days thereof and notifying each responsible party of the date, time and place of a public hearing before the Madison Charter Township Board, or such other Board or body to which the Madison Charter Township shall delegate such responsibility.
 - B. Such hearing shall be held within fifteen (15) days of the notice. At such hearing the Township may modify the terms of the original notice of deficiencies in the maintenance, replacement and repair and may grant an extension of time within which such deficiencies shall be cured.
 - C. If the deficiencies set forth in the original notice, or in the modification thereof, are not cured within said sixty (60) day period, or any extension of time granted at the hearing, the Township, in order to eliminate and cure the deficiencies in the operation and maintenance, repair and replacement of the shared drive, may enter upon private road and so much of the adjoining properties as is necessary to maintain, repair or replace the private road.

- D. Madison Charter Township may assess the cost incurred in enforcing such right to the parties, and if not paid within thirty (30) days, said costs shall be assessed equally against all parties and shall become a lien on the properties the same manner as general property taxes.
 - E. Nothing contained herein shall obligate the Township to undertake these maintenance, repair or replacement responsibilities, the choice whether or not to do so being exclusively that of Madison Charter Township.
- e. Issuance of Building Permits.
- (i) A building permit for a building or dwelling to be served by a private road shall not be issued unless the applicant for the building permit provides the Township Building Inspector with (i) proof of lawful access over the private road to the lot, parcel or building site; (ii) an approved plan for the private road (iii) an approved private road agreement; and (iii) any permitting required by the Lenawee County Road Commission, as applicable.
 - (ii) Drawings of the private road as it has been constructed shall be certified by the registered professional engineer who prepared the plans and shall be provided to the Township Zoning Coordinator before a Certificate of Occupancy is issued or the applicant shall provide a bond or irrevocable letter of credit in an amount determined by the Township to insure completion of the drawings as well as the completion of the private road if necessary.
- f. Application to Existing Private Roads. Except with regard to the requirements under Section 5.12.3(l) and (m) regarding street names, street signs and house numbers, this Section shall not apply to an existing private road which provides access solely to existing lots, buildings, or dwelling units.

SECTION 5.13 - FLOODPLAINS

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

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

SECTION 5.14 - HOME OCCUPATION

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

- A. Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants thereof.
- B. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- C. There shall be no exterior storage of materials or equipment.

SECTION 5.15 - FENCES

Fences in all districts are subject to the following conditions:

Fences which enclose property shall not exceed six (6) feet in height, except in a front yard where the height may not exceed four (4) feet.

SECTION 5.16 - TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Zoning Board of Appeals based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare.

SECTION 5.17 - ESSENTIAL SERVICES

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.
- C. Not Essential Services: Towers and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

SECTION 5.18 - CURB CUTS AND DRIVEWAYS

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

SECTION 5.19 - PLANNED UNIT DEVELOPMENTS

Planned Unit Developments are intended to provide flexible land use and design regulations through the use of performance criteria to allow small-to-large scale neighborhoods or portions thereof to be developed within the Township that permit a variety of residential types, containing both individual building sites and common property which are planned and developed as a unit. The planned residential unit should be designed to relate to the character of surrounding areas, and wherever possible should also be capable of functioning as a self-contained residential neighborhood. This district specifically encourages innovations in residential development to enable growing housing demands to be met by greater variety in type, design, and siting of dwellings, and by the conservation and more efficient use of land in such developments.

While standard zoning and subdivision practices are appropriate for the regulations of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of pre-regulation and regulatory rigidity which can hinder the creation of more attractive, safe and efficient residential areas. Therefore, this district is intended to permit enough flexibility in development design so as to allow the development of the most desirable residential amenities accruing from modern design techniques. While these techniques are deemed appropriate use and dimensional specifications elsewhere in this Ordinance are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

The Planned Unit Development District shall achieve the following objectives:

1. Promote maximum choice in the types of environment, housing, lot sizes, and community facilities available to residents.
2. Encourage more usable tracts of land for open space and recreational purposes and for common use.
3. Preserve trees, outstanding natural topography and geologic features, and prevent soil erosion.
4. Encourage creative use of land, which can be planned to relate to surrounding physical development.

5. Attain more efficient use of land as a result of smaller networks of utilities and streets, and thereby lower housing costs.
6. Achieve a development pattern in harmony with the objectives of the Comprehensive Plan.
7. Provide an opportunity to locate necessary community facilities within residential neighborhoods.
8. Create a more desirable environment that would be possible through the application of strict zoning requirements applied in other sections of this ordinance.

A. General Requirements for Planned Residential Developments:

1. Minimum Area: The minimum area required to qualify for a Planned Residential Development shall not be less than ten (10) contiguous acres of land.
2. Ownership: The tract of land for a project must be either in one (1) ownership or the subject of an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land).

In the case of multiple ownership, the approved plan shall be binding on all owners.

3. Location of the Planned Residential District: Planned Residential Developments are permitted as a Conditional Use in the R-3 (Two-Family Townhouse) and R-4 (Multiple-Family) Zoning Districts.
4. Permitted Uses: All uses within an area designated as Planned Residential Development are determined by the provisions of this section and the approved plan of the project concerned.
 - a. Residences may be of a variety of types, including one family, two family, and multiple family, but not including mobile homes. In developing a balanced community, the use of a variety of housing types shall be deemed desirable in keeping with the objectives of this district.
 - b. Customary accessory or associated uses, such as private garages, storage spaces, recreational and community activities, churches and schools shall be permitted as appropriate to the Planned Residential District.

5. Land Use and Density: Because land is used more efficiently in a Planned Residential Development, improved environmental quality can often be produced with a greater number of dwelling units per net acre than usually permitted in traditionally zoned residential districts. The Township Planning Commission shall determine in each case the appropriate land use pattern and dwelling unit density for individual projects. These determinations shall be completely documented and justified.
6. Common Property in the Planned Residential Development: Common property in the Planned Residential Development consists of a parcel or parcels of land, together with the improvements therein, the use and enjoyment of which are shared by the owners and occupants of the planned residential development. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service and parking areas, and areas for recreation and open space.

B. Planned Residential Development Application Procedure and Zoning Approval Process:

1. General. Whenever any Planned Residential Development is proposed, before any building permit for the erection of a permanent building in such District shall be granted, and before any part thereof may be filed in the office of the Township Clerk, the developer or his authorized agent shall apply for and secure approval of a Conditional Use Permit in accordance with the following procedures and including subsequent approval of the Preliminary Site Plan and the Final Detailed Site Plan by the Township Planning Commission.
2. Application for Sketch 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 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 official Comprehensive 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 Conditional Use Permit. It shall be included as part of the recommendation.
 - a. The proposal conforms to the Comprehensive Plan.
 - b. The proposal meets the intent, objectives, and general requirements of the Planned Residential District as expressed in Section 5.19.
 - c. The proposal is conceptually sound in that it meets a community need and conforms to accented design principals in the proposed functional roadway system, land use configuration, open space system, and drainage system.
 - d. There are adequate services and utilities available or proposed to be made available in the construction of the development.
 - e. The proposal meets all the general requirements of Section 5.19A.
 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 Conditional Use Request, which would be accompanied by an unfavorable recommendation from the Township Planning Commission.
 - a. The Chairman of the Township Planning Commission shall certify when all of the necessary application material has been presented, and the Township

Planning Commission shall submit its report to the applicant within thirty (30) days of such certification. If no report has been rendered after thirty (30) days, the applicant may proceed as if a favorable report were given.

3. Application for Conditional Use Permit. Upon receipt of a favorable report from the Township Planning Commission or upon application by the applicant within ten (10) days of an unfavorable report from the Township Planning Commission Conditional Use Permit procedures shall be initiated.

C. Site Plan Approval Process:

1. Application for Preliminary Site Plan Approval. In order to receive a Conditional Use Permit, site plans must be approved. Application for preliminary site plan approval shall be to the Township Planning Commission and shall be in accordance with Section 5.6. Site Plan Review and Approval of this Ordinance and including:
 - a. An area map showing the applicant's entire holdings, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, and easements within three hundred (300) feet of the applicant's property.
 - b. A topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided.
 - c. A site plan showing location, proposed use and height of all buildings, location of all parking areas, with access drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for non-residential use, if any.
 - d. A tracing overlay showing all soils areas and their classifications, and those areas, if any, with moderately high susceptibility to flooding, and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

2. Factors for Consideration. The Township Planning Commission's review of a Preliminary Site Plan shall include, but is not limited to the following considerations:
 - a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
 - b. Location, arrangement, appearance, and sufficiency of off-street parking.
 - c. Location, arrangement, size and design of buildings and lighting.
 - d. Relationship of the various uses to one (1) another.
 - e. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring buffer between adjacent uses and adjoining lands.
 - f. In the case of multiple dwellings, the adequacy of usable open space for playgrounds and recreation.
 - g. Adequacy of storm water and sanitary waste disposal facilities.
 - h. Adequacy of structures, roadways", and landscaping, in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
 - i. Compliance with all regulations of this Ordinance.
3. Action on Preliminary Site Plan Application. Within thirty 7-30 days of the receipt of the application for Preliminary Site Plan approval, the Township Planning Commission shall act on it. If no decision is made within a thirty (30) day period, the Preliminary Site Plan shall be considered approved. The Township Planning Commission's action shall be in the form of a written statement to the applicant stating whether or not the Preliminary Site Plan is approved. A copy of the appropriate minutes of the Township Planning Commission shall be a sufficient report.

The Township Planning Commission's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, of which conformance with, shall be considered a condition of approval. Such recommendations shall be limited, however, to siting and dimensional details within general use areas; and shall not significantly alter the Sketch Plan as it was approved in the zoning amendment proceedings.

If the Preliminary Site Plan is disapproved, the Township Planning Commission's statement shall contain the reasons for such findings. In such a case, the Township Planning Commission may recommend further study of the site plan and re-submission of the Preliminary Site Plan to the Township Planning Commission after it has been revised or redesigned.

4. Request for Changes in Sketch Plan. If in the site plan development, it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Township Planning Commission, becomes unfeasible and in need of modification, the applicant shall then present his modifications to the Township Planning Commission as his Preliminary Site Plan is in accordance with the above procedures. The Township Planning Commission shall then determine whether or not the modified plan is still in keeping with the intent of the planned residential development. If a negative decision is reached, the site plan shall be considered as disapproved. The developer may then, if he wishes, produce another site plan in conformance with the approved Sketch Plan. If an affirmative decision is reached, the Township Planning Commission shall state all of the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary Site Plan approval may then be given by the Township Planning Commission.
5. Application for Final Detailed Site Plan Approval. After receiving approval from the Township Planning Commission on a Preliminary Site Plan, the applicant may prepare his Final Detailed Site Plan, and submit it to the Township Planning Commission for final approval; except that if more than twelve (12) months has elapsed between the time of the Township Planning Commission's report on the Preliminary Site Plan and if the Township Planning Commission finds that conditions have changed significantly in the interim, the Township Planning Commission may require a re-submission of the Preliminary Site Plan for further review and possible revision prior to accepting the proposed Final Site Plan for review.

The final Detailed Site Plan shall conform substantially to the Preliminary Site Plan that has received Preliminary Site Plan approval. It should incorporate any revisions or other features that may have been recommended by the Township Planning Commission at the preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.

6. Action on the Final Detail Site Plan Application. Within thirty (30) days of receipt of the application-for Final Detailed Site Plan approval, the Township Planning Commission shall render a decision to the applicant. If no decision is made within the thirty (30) day period, the final site plan shall be considered approved.

- a. Upon approving an application, the Township Planning Commission shall endorse its approval on a copy of the Final Detailed Site Plan and the Conditional Use Permit shall be issued.
 - b. Upon disapproving an application, the Township Planning Commission shall so inform the applicant in writing of its decision and its reason for disapproval. A copy of the appropriate minutes may suffice for this notice. After disapproval of the application, the Township Planning Commission may recommend further study of the site plan and re-submission of the Final Detailed Site Plan to the Township Planning Commission after it has been revised or redesigned to reflect necessary modifications.
7. Staging. If the applicant wishes to stage his development he has so indicated, then he may submit only those stages he wishes to develop for Preliminary and Final Detail Site Plan approval in accordance with his staging plan. Any plan which requires more than twenty-four (24) months to be completed shall be required to be staged and a staging plan shall be developed.

D. Other Regulations Applicable to Planned Residential Developments:

- 1. Regulation After Initial Construction and Occupancy. For the purposes of regulating land development and use property after initial construction and occupancy, any changes other than use changes shall require approval by the Township Planning Commission. Use changes (changes in types or location of primary and accessory uses, services or facilities) shall require Township Board approval following a public hearing and the recommendation of the Township Planning Commission. It shall be noted, however, that properties lying in Planned Residential Developments are unique and shall be so considered by the Township Planning Commission and Township Board when evaluating these requests, and maintenance of the intent and function of the Planned Residential Unit shall be of primary importance.
 - a. Financial Responsibility. No building permits shall be issued for construction within a Planned Residential Development until public improvements are installed or performance bond posted in accordance with the Township Board requirements.

SECTION 5.20 - LOT PARTITIONS

- A. Purpose: The purpose of this Ordinance is to regulate and control the partitioning or dividing of lots, outlots, or other parcels of land in a recorded plat and the division of unplatted parcels in the Township of Madison, in order to promote the safety, public health, and general welfare of the community by providing for orderly growth and harmonious development of the community and achieving individual property

lots of maximum utility and livability.

- B. Authority: This Ordinance is enacted pursuant to the statutory granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967; Act 161, P.A. 1939 providing for publication of ordinances; Act 246, P.A. 1945, as amended, authorizing Township Boards to adopt ordinances and regulations to secure the public health, safety, and general welfare.
- C. Lot Division in Recorded Plats: The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be no less in area than permitted by the Zoning Ordinance of Madison Township. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the Lenawee County Health Department. The division of a lot resulting in a smaller area or lesser width than prescribed by the Zoning Ordinance of Madison Township or the Subdivision Control Act, Act 288, Michigan P.A.
- D. Division of Unplatted Parcels: The division of unplatted parcels is prohibited, unless approved-following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. The division, or divisions, will be governed by the terms of the Subdivision Control Act of 1967, commonly known as P.A. 288, effective January 1, 1968, and particularly Section 102, and such other sections or parts thereof as may be applicable thereto. The resulting lots or parcels shall be in conformance to the terms of the Madison Township Zoning Ordinance for the district involved. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board and the suitability of the land building sites have been approved by the Lenawee County Health Department (see Section 5.12). The division of a parcel resulting in a smaller area or lesser width than prescribed by the Zoning Ordinance of Madison Township or the Subdivision Control Act, Act 288, Michigan P.A. 1967, may be permitted, but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.
- E. Penalties: Any person who violates this section of the Zoning Ordinance or fails to comply with any of the requirements of this section shall be subject to the penalties indicated in Section 6.7.

SECTION 5.21 - STORAGE OF WASTES

Nuclear or contaminated waste products shall not be stored or maintained in any manner in Madison Township.

SECTION 5.22 - OPEN SPACE PRESERVATION

5.22.1 *Compliance with Section 16(h)*. In order to comply with Section 16(h), as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of the Ordinance, land zoned for residential number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

- A. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
- B. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land and such documents shall be filed with the Lenawee County Register of Deeds. The documents creating the undevelopable land shall be submitted to the Township for approval prior to the commencement of development on the remaining land. Regardless of the means selected by the landowner to preserve the open space, a provision shall be inserted in the document creating the undevelopable land authorizing and empowering the Township to enforce the restrictions in the document preventing development.
- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
- D. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

5.22.2 *Development Subject to Other Laws*. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

- A. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16h of the Township Zoning Act as added by 2001 Public Act 177 (MCL 125.286h).
- B. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
- C. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.

- D. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- E. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

5.22.3 *Definition of “Undeveloped State”.* As used in this section, the term “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use of condition. This term does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.

5.22.4 *General Provisions.*

- A. Parallel or Yield Plan. As part of open space plan review a “parallel” or “yield plan” shall be prepared by the developer. The parallel plan shall demonstrate a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all State, County, and Township land division regulations. All lots, roads and other improvements in the parallel plan shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated; by Federal, State, County or local agencies.

A demonstration must be made to the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivisions regulations should the Open Space Community be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the yield plan shall be revised and submitted, minus that number of lots. Detailed engineering is not required at this stage.

The Planning Commission may also waive the submission of a yield plan if it is determined that the number of housing units proposed for open space development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission. Waivers may only be granted if it is determined by the Planning Commission, that the proposed open space design will be a benefit to the Township and achieve all the goals and objectives set forth in the Madison Charter Township Land Use Plan and Zoning Ordinance.

- B. Minimum Lot Size. Lot sizes shall be determined by the State and County Health Departments regulations or standards. In no case shall any lot be less than 15,000 square feet when central sewer facilities are not available, or less than 7,500 square feet when central sewer facilities are available.

5.23 - WHEELCHAIR RAMPS

In all agricultural and residential districts, whenever a property owner can demonstrate that an owner or occupant of a residential structure requires the use of a ramp, for ingress and egress to the structure, such ramps shall be permitted and shall not be included as a part of the structure when measuring for the required front set back requirements under Section 4.11. Provided, however, as such time as the structure is no longer owned or occupied by an individual requiring the using the ramp, the ramp shall be removed and the lot and structure shall be brought into conformity with the front set back requirements for the applicable zoning district.

**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 Building Inspector or by such deputies of his department as the Madison Township Board may designate to enforce the provisions of this Ordinance.

SECTION 6.3 - DUTIES OF BUILDING INSPECTOR

The Building Inspector shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building 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 Building Inspector vary or change any terms of this Ordinance.

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

The Building Inspector shall submit to the Planning Commission and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming uses, buildings, and structures. The Building 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 Building Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Building Inspector.

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

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

One (1) copy of the plans shall be returned to the applicant by the Building Inspector after such copy has been approved or disapproved, and attested to same by the Building Inspector's signature on such copy. The Building 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 Building 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 Building Inspector shall issue such permit promptly following such action.

6.4.2 Voiding of Zoning Compliance Permit:

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

SECTION 6.5 - BUILDING PERMIT, CERTIFICATE OF OCCUPANCY, AND FINAL INSPECTION

6.5.1 Issuance of Building Permit:

No building permit shall be issued by the Building Inspector in all cases where a building permit is required by the Ordinances of the Charter Township of Madison, unless and until a zoning compliance permit has been issued as specified in Section 6.4, herein above.

6.5.2 Issuance of Certificate of Occupancy:

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of and building, structure or part thereof, for the establishment of a use, shall make application to the Building Inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Building 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.

6.5.3 Voiding of Certificate of Occupancy:

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Building Inspector to be in violation of this Ordinance. The Building 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 Madison 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 Building Inspector, and may be altered or amended only by the Madison Township Board. No permit, certificate, site plan, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until preliminary charges and fees have been paid in full.

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

Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$500.00) 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 exempt the offender from compliance with the requirements of this Ordinance.

SECTION 6.8 - PUBLIC NOTIFICATION

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

6.8.1 Responsibility:

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

6.8.2 Content:

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

- a. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, conditional, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
- b. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street

addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
- d. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

6.8.3 Personal and Mailed Notice

- a. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different from the owner(s) of the property.
 - b. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Madison Charter Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 6.8.5, Registration to Receive Notice By Mail.
 - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.
- b. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Madison Charter Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

6.8.4 Timing of Notice

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

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

6.8.5 Registration to Receive Notice by Mail

a. General

Any neighborhood organization, public utility company, railroad or any other person may register with the Madison Charter Township Clerk to receive written notice of all applications for developmental approval pursuant to Section 6.8.1, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Madison Charter Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board.

b. Requirements

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

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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 hear appeals on conditional uses, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 7.3 - VARIANCE

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

7.5.2 Who May Appeal:

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

7.5.3 Fee for Appeal:

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

7.5.4 Effect of Appeal; Restraining Order:

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by 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 Zoning Board of Appeals, the Zoning Board of Appeals Secretary or Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice in accordance with Section 6.8 of this Ordinance - Public Notification.

7.5.6 Representation at Hearing:

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

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

The Zoning Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector, Planning Commission, or Township Board from whom the appeal is taken. The Zoning 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 Zoning 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 or question of law and fact.

**ARTICLE VIII
AMENDMENT PROCEDURES**

SECTION 8.1 - INITIATING AMENDMENTS AND FEES

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 (1) 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 amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. A public hearing shall be held in accordance with Section 6.8 of this Ordinance - Public Notification.

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 Township Board and the amendments published without referring the same to any other board or agency.

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**ARTICLE IX
LEGAL STATUS**

SECTION 9.1 - CONFLICT WITH OTHER LAWS

Conflicting laws of 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 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 affect 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 Madison Township, Lenawee County, Michigan" adopted prior to July 30, 1980, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 9.5 - EFFECTIVE DATE

This Ordinance was adopted by Madison Township Board, Lenawee County, Michigan, at a meeting held on July 30, 1980, and notice ordered published in the Daily Telegram, a newspaper having general circulation in said Madison Township.

Date: August 14, 1980

Richard D. Williams

Supervisor

Date: August 14, 1980

James O. Holtz

Clerk

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AMENDED May 14, 1991

Section 4.8.11 - Conditional Uses

Section 5.5.5 #25 - Conditional Uses - Required Standards and Findings for making determinations.

Section 5.7.2.d - Nonconforming Structures

AMENDED December 19, 1994

Section 4.3.b #3 - Conditional Uses - Business Schools; including Gymnastic Schools, Dance Schools, Music Schools, and Art Schools.

AMENDED October, 1998

Section 4.11 - Area, Yard, Height and Bulk Regulations.

AMENDED May, 2000

Section 4.7.b.4 - Day Care Centers

Section 4.8.6.12 - Day Care Centers

Section 4.7.6.5 - Public and Private Nurseries

Section 4.8.6.13 - Public and Private Nurseries

AMENDED July, 2000

Section 2.2 and 5.12 - Access to Public Streets

AMENDED September, 2000

Section 2.2, 5.5.5.6.27 - Commercial Communication Towers

Updated January, 2001

AMENDED December, 2002

Section 5.22, 5.22.1, 5.22.2 & 5.22.3 - Open Space Preservation

AMENDED April, 2003

Section 5.22.4 - General Provisions

Printed October, 2005

AMENDED November, 2005

Section 5.12 - Private Roads

AMENDED February, 2006

Section 5.3.3 - Parking and Residential Districts

AMENDED August, 2007

Section 4.11.7- Agricultural District

AMENDED April, 2008

Section 4.1- 4.10 - Communication Towers

AMENDED June, 2008

Section 4.1 & 4.9 - Junk Yards & Recycling Centers

AMENDED October, 2008

Section 5.2.5a - Sign Regulations

Printed February, 2009

AMENDED November, 2010

Sections 5.5.4, 5.5.7, 5.7, 6.8, 7.3, 7.5.5 - Amendments to bring the ordinance into compliance with P.A. 110 of 2006.

AMENDED July, 2014

Sections 4.11.9 and 5.23

Printed August 14, 2014