

**SUPERIOR CHARTER TOWNSHIP PLANNING COMMISSION  
SUPERIOR TOWNSHIP HALL  
3040 N. PROSPECT, SUPERIOR TOWNSHIP, MI 48198  
AGENDA  
September 24, 2025 - 7:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. DETERMINATION OF QUORUM
4. ADOPTION OF AGENDA
5. APPROVAL OF MINUTES
  - A. Approval of the August 27, 2025, Regular Meeting Minutes
6. CITIZEN PARTICIPATION
7. CORRESPONDENCE
8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS
9. REPORTS
10. OLD BUSINESS
11. NEW BUSINESS
12. POLICY DISCUSSION
  - A. Zoning Ordinance Rewrite
13. ADJOURNMENT

Thomas Brennan III, Commission Secretary  
Michelle Marin, Planning & Zoning Administrator  
3040 N. Prospect, Ypsilanti, MI 48198 734-482-6099

# **SUPERIOR CHARTER TOWNSHIP**

## **Planning Commission**

### **Regular Meeting Minutes - DRAFT**

August 27, 2025, 7:00 PM

Township Hall - 3040 North Prospect

Superior Township, MI 48198

#### **1. CALL TO ORDER**

Chair Gardner called the regular meeting to order at 7:00 p.m.

#### **2. ROLL CALL**

**Present:** Jay Gardner, Chair  
Dr. Robert Steele, Vice Chair  
Thomas Brennan, Secretary  
Patrick McGill  
Nahid Sanii-Yahyai  
Curt Wolf

**Absent:** Brenda McKinney, Board Representative

**Also Present:** Planning Consultants – Ben Carlisle and Michelle Marin, Carlisle Wortman.  
Lori Maher, Deputy Supervisor. Claire Martin, OHM Advisors.

#### **3. DETERMINATION OF QUORUM**

A quorum was present.

#### **4. ADOPTION OF AGENDA**

MOTION by Brennan, supported by Sanii-Yahyai, to adopt the August 27, 2025, agenda as presented.

Motion passed unanimously by voice vote.

#### **5. APPROVAL OF MEETING MINUTES**

##### **A. Approval of the July 23, 2025 - Regular Meeting Minutes**

MOTION by Sanii-Yahyai, supported by Brennan, to adopt the July 23, 2025, meeting minutes.

Motion passed unanimously by voice vote.

#### **6. CITIZEN PARTICIPATION**

Jennifer Dennis, 9700 Joy Road, spoke about her new home being built at 3863 Berry Road. She asked the Planning Commission to permit ground mounted solar installations on R-1 parcels. She cited the solar panels being important for her disability.

Jennifer Hinesman spoke in support of ground-mounted solar arrays on residential properties.

**7. CORRESPONDANCE**

Carlisle shared the Ann Arbor Township Distribution of Draft Master Plan letter that was mailed to neighboring jurisdictions.

MOTION by Brennan to receive the correspondence, supported by Sanii-Yahyai.

Motion passed unanimously by voice vote.

**8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS**

Motion by Brennan to open the public hearing for STPC #25-05 Area Plan Petition and Rezoning – Prospect Pointe South supported by Sanii-Yahyai.

Brad Botham of M/I Homes (applicant) shared details of the company and project.

Carlisle presented an overview of project and summarized the planners' report.

Wolf asked Carlisle about the reduced lot size and the relationship with the open space being provided. Gardner asked Carlisle about the Master Plan imagining multiple-family housing for this area of the Township.

Brennan asked Carlisle about the ownership of the surrounding streets. Martin indicated that SEMCOG shows that Lakeview Drive is a public road. Carlisle indicated that Park Lane is private.

Claire Martin presented the engineers' report.

Gardner asked the applicant about the market demand for the product they are proposing compared to the market demand for attached homes or multiple-family homes as described in the planners' report.

Brennan questioned the applicant's claim that the home product they are offering is affordable with starting prices in the high \$300ks and low \$400ks. The applicant indicated that the target buyer is a young professional that is in a higher-income career.

Steele asked about the number of models available. The applicant indicated that there are 5 available floor plans.

Gardner asked about the lot coverage of the proposed area plan. There was general discussion among the Commission of the dimensional offerings of the area plan, including setbacks, lot size, and lot coverage.

Steele asked about the floor plans, and the applicant indicated that there are no ranches offered.

Jack Smiley mentioned that the Parks & Recreation Commission voted at the last meeting to support the acquisition of the south parcel for a public park owned by the Township. Smiley mentioned that the conservation easement area is a contaminated site and that it was previously denied for inclusion as a conservation area.

Martha Kern-Boprice spoke about the first review of an area plan of the subject parcel in the 1980s. She indicated that the conservation easement area is a former landfill and was deemed not appropriate for development. Kern-Boprice indicated that there is a need for more housing.

Sharon Bryant Phillips of the Parks and Recreation Commission spoke about her interest in having a park in this area. Bryant Phillips read from a document that was provided to the Commission.

Julie Spellman, President of the Prospect Park HOA spoke about her concern with Park Lane being included in the area plan. The Prospect Park HOA pays for and maintains the private Park Lane. She expressed concern with the additional traffic on Prospect Road, which cannot be widened. She mentioned the lack of sidewalks on Park Lane which will cause dangers with an additional 119 homes using the road. She expressed concerns with the trees on the subject property posing hazards which can fall, particularly during construction.

Jimmy Laske, member of the Prospect Woods HOA board, expressed concerns with the additional traffic using their private roads. Laske expressed frustration with the developer not coordinating or communicating with the HOA being impacted by the proposed area plan.

Crystal Lyte on the County Commission indicated that Superior Township has reached its capacity for new development. Lyte expressed frustration with the density of the Township, particularly in Woodside Village where she resides. She referenced the agricultural community and culture of Superior Township. Lyte indicated that seniors need ranch homes and more affordable homes. Lyte indicated that smaller lot sizes will create density which is not desirable.

Lynn Rose communicated that a petition has been created and signed by 80 residents of the Lakeview Estates Condo Association. Rose read a statement with signatures (included in the recorded minutes). She also distributed a document with detailed concerns.

Jan Ulrich expressed concerns about her viewshed being impacted by the new development. She referenced the swale along the subject property line that becomes overwhelmed during high rain events. Ulrich indicated that this development conflicts with Superior's goals of maintaining green space in the Township. She indicated that decreasing the lot size to retain the existing woodlands along the subject property lines.

Luke McCarthy, board member of Lakeview Estates Condo Association, commended the Planning Commission for prior decisions that balance development with green space. McCarthy expressed concerns about the environmental impacts of the density of the development.

Tyronne Stewart addressed the housing product being offered, and the misconception that these homes will be accessible to the current and future residents of Superior Township. Stewart expressed concerns with the floodplains and marsh lands in the area. His basement floods every year and is worried about the proposed detention basin impact on his property. Stewart is concerned about the emergency spillway and the stormwater capacity of the Lakeview Estates.

Susan Killermeyer expressed concerns about the traffic on Lakeview Drive and pedestrian safety.

Rosemary Fleischmann expressed concerns of the increased traffic on Berkshire, particularly the turn to/from Prospect Road. She believes traffic flow and vehicle safety issues will emerge without widening Berkshire Road if homes are placed on the south side.

Tracey Melody expressed infrastructure concerns, particularly with the capacity of the DTE power grid. She mentioned 4-5 power outages in 2025, with only one outage being deemed weather related and the remainder being caused by equipment failure.

Mike Sipple indicated that there are stormwater issues behind his property on Sheffield Drive. A swale along the east property line of the subject property causes issues that will be exacerbated by the proposed development.

Sal Maier indicated that she moved to this area so that she could set down roots and stay in a community for a long time. Maier mentioned that constructing starter homes does not create desirable neighborhoods and that homes should be large with large enough yards to want to stay there for a long time.

MOTION by Brennan to close to the public hearing for, STPC #25-05 Area Plan Petition and Rezoning – Prospect Pointe South supported by Wolf.

Motion passed unanimously by voice vote.

Commissioner Wolf indicated that the local knowledge expressed by the residents who shared during public hearing was helpful. Wolf asked if a traffic study has been conducted. Gardner clarified that that would be required at a later phase. Wolf summarized the issues that he heard during the public hearing.

Sanii-Yahyai and Brennan thanked everyone who shared during the public hearing. Brennan mentioned that he previously learned about the former landfill on the southern parcel rendering the area unbuildable. Brennan indicated that building more \$300k-\$400k homes will lead to gentrification, and he has fears of people being priced out of living in Superior Township and the lack of services.

Gardner asked the Commission to share what conditions should be required.

Steele asked about the 17-acre conservation easement and asked about the soil samples of the area where they are proposing to build. The applicant indicated that they aren't building on any parcels and that there are no VOCs available on either subject parcel. Steele asked if the Parks and Recreation Commission has a budget for the recommended public park.

Martha Kern-Boprice clarified that there is no funding at this point for a conservation area.

Commissioner McGill asked about the access. The applicant indicated that Park Lane will include a breakaway gate so that the existing, private portion of Park Lane could not be used to access the proposed development. Brad Botham indicated that the connection is proposed for fire access only and it could be eliminated if the Fire Department indicates that it is not needed.

Carlisle summarized that road connections are an issue with the plan that need to be addressed by the applicant.

Gardner advised that the applicant communicate with the neighbors, who clearly resent their lack of communication or coordination.

Carlisle clarified that if the plan was approved with the 17-acre conservation easement, the future development rights of that area would be removed in perpetuity.

Gardner asked the applicant to consider the community concerns regarding the proposed density and the lack of buffer between the proposed development and the existing homes surrounding the subject parcel.

The applicant asked about the approved area plan from 2006 for the northern subject parcel.

Steele referenced the 2024 Master Plan indicating the future land use for this area to be developed. He spoke of the sewer and water development boundary at Geddes Road.

MOTION by Steele to postpone action on the rezoning and area plan petition for STPC 25-05, Prospect Pointe South, to allow the applicant to address the following:

- a. Traffic study, including coordination with the Washtenaw County Road Commission
- b. Road connections, including private roads
- c. Stormwater management
- d. Landscape buffer
- e. Power grid capacity
- f. Density concerns

Support by McGill.

Motion passed unanimously by roll call vote.

MOTION by Brennan to open the public hearing for STPC #25-04 Conditional Use Permit – Trinity Health/Alpha House Emergency Family Shelter (MS District), supported by Sanii-Yahyai.

Motion passed unanimously by voice vote.

Shonaugh Taruza and Shekinah Singeltery (applicants) shared a summary of the proposal, including the existing Alpha House operations and the demand for emergency family shelter. The Towsley Health Building was formerly a nursing facility but has been unused. There are currently 30 units with private bathrooms and communal kitchen spaces. The Washtenaw County Commissioners provided the funds as a gift for the remodel of this space.

Carlisle summarized the planners' report. The Commission discussed the children's play area which the applicant indicated will be part of a future phase. Steele asked about what defines family. The applicant indicated that families include many different relations. The applicant also mentioned transportation, including an Alpha House van and the relationship with AATA, including plans to locate a closer bus stop. McGill asked about the stay length. Alpha House indicated that there is no maximum stay but the average stay is 89 days, and the applicant mentioned the federal funding cuts making their work more urgent every day. She mentioned all of the different work conducted between the Alpha House case managers and the residents.

Sanii-Yahyai asked about the timeline of the interior renovations. The applicant mentioned that they intend to be operational by November 2025. The applicant additionally mentioned that there are existing community partners in the Towsley Building that connect between Trinity Health and Alpha House, including the Trinity Health HR team and campus farm food programs that provide opportunities for jobs and programming.

MOTION by Wolf to adopt a resolution of approval of the conditional use permit at STPC 25-04 as amended by Chair Gardner, support by Brennan.

Passed unanimously by roll call vote.

## **9. REPORTS**

Marin and Carlisle shared updates within the monthly Planning and Zoning Reports for July that were shared at the August Board of Trustees meeting.

## **10. OLD BUSINESS**

None.

## **11. NEW BUSINESS**

Applicant for STPC #25-06 Combined Preliminary and Final Site Plan – Fuel Farm Replacement, Hyundai America Technical Center presented an overview of the project. Chair Gardner asked about state licensing for the fuel pumping station. The applicant indicated that LARA has since provided a license. Chair Gardner asked if this facility meets the fuel pump standards.

Martin summarized the outstanding engineering items indicated in their provided review. The applicant addressed where they currently stand on the outstanding items identified in OHM's review as well as approvals from outside agencies.

MOTION by Brennan to approve a combined preliminary/final site plan for STPC 25-06 Hyundai Fuel Farm Replacement, with the following conditions:

1. Address all items in the Planners' report dated July 25, 2025.
2. Address all items in the Engineer's report dated April 17, 2025.

Supported by Sanii-Yahyai.

Passed unanimously by roll call vote.

## **12. POLICY DISCUSSION**

### **A. Zoning Ordinance Re-write**

Chair Gardner suggested tabling the discussion of Article 10 of the zoning ordinance rewrite. Carlisle requested that the Commissioners email CWA thoughts/concerns before the next meeting.

**13. ADJOURNMENT** – *next regularly scheduled meeting on September 24, 2025*

MOTION by Brennan, supported by Sanii-Yahyai to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting was adjourned at 9:20 p.m.

Meeting Minutes Respectfully submitted,

Thomas Brennan III, Planning Commission Secretary  
Michelle Marin, Recording Secretary  
3040 N. Prospect, Ypsilanti, MI 48198, 734-482-6099



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** Superior Township Zoning Ordinance Rewrite Steering Committee

**FROM:** Benjamin Carlisle and Michelle Marin, Planning Consultants

**DATE:** September 18, 2025

**RE:** Sixth Zoning Ordinance Rewrite Committee Meeting – Articles 10 and 14

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**BACKGROUND**

To date, the Zoning Ordinance Rewrite Steering Committee and CWA staff have convened to review the following draft Articles:

ARTICLE 1: TITLE, PURPOSE AND LEGAL CLAUSES  
ARTICLE 2: DEFINITIONS  
ARTICLE 3: ADMINISTRATION AND ENFORCEMENT  
ARTICLE 4: ZONING DISTRICT REGULATIONS  
ARTICLE 6: DEVELOPMENT OPTIONS  
ARTICLE 7: GENERAL PROVISIONS  
ARTICLE 8: SITE PLAN REVIEW  
ARTICLE 9: CONDITIONAL USE REVIEW  
ARTICLE 11: ACCESS, PARKING, AND LOADING REQUIREMENTS  
ARTICLE 15: NONCONFORMITIES  
ARTICLE 16: ZONING BOARD OF APPEALS  
ARTICLE 17: AMENDMENT PROCEDURE

Article 10 (currently Article 5) detailing the standards for specific uses and Article 14 (currently Article 9) detailing regulations for signs have been revised to improve clarity, remove redundancies, and incorporate substantive regulation changes. Articles 10 and 14 will be presented to the full Planning Commission for discussion at the regular September meeting.

During the previous Steering Committee meetings, we discussed how much of the current language in the Zoning Ordinance was appropriate and that only minor changes to wording were required to improve clarity and logic and to modernize it to current day standards were necessary. The most significant change would involve reorganizing the chapters, sections, and subsections to assist the general public and applicants as well as Township staff and the Planning Commission who administer these regulations and standards.

Benjamin R. Carlisle, *President* John L. Enos, *Vice President*  
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal* Brent Strong, *Principal*  
David Scurto, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* Douglas J. Lewan, *Principal*  
Richard K. Carlisle, *Past President/Senior Principal* R. Donald Wortman, *Past Principal*

The revised table of table of contents is as follows:

ARTICLE 1:	TITLE, PURPOSE AND LEGAL CLAUSES
ARTICLE 2:	DEFINITIONS
ARTICLE 3:	ADMINISTRATION AND ENFORCEMENT
ARTICLE 4:	ZONING DISTRICT REGULATIONS
ARTICLE 5:	SPECIAL DISTRICT REGULATIONS
ARTICLE 6:	DEVELOPMENT OPTIONS
ARTICLE 7:	GENERAL PROVISIONS
ARTICLE 8:	SITE PLAN REVIEW
ARTICLE 9:	CONDITIONAL USE REVIEW
ARTICLE 10:	SPECIFIC USE STANDARDS
ARTICLE 11:	ACCESS, PARKING, AND LOADING REQUIREMENTS
ARTICLE 12:	SITE DESIGN STANDARDS
ARTICLE 13:	ENVIRONMENTAL STANDARDS
ARTICLE 14:	SIGN REGULATIONS
ARTICLE 15:	NONCONFORMITIES
ARTICLE 16:	ZONING BOARD OF APPEALS
ARTICLE 17:	AMENDMENT PROCEDURE

### **ZONING TEXT AMENDMENTS**

Listed below are details of Articles 10 and 14 including the intent/purpose, outline, and substantive changes from the existing Zoning Ordinance:

#### **Article 10: USE STANDARDS**

*Intent:* This section has been shortened, and the “Scope of Regulations” has been removed, to eliminate redundancies covered in Article 1 of the full zoning ordinance.

Section 10.01: Intent

Section 10.02: Organization

Section 10.03: Rural Uses

A: Volatile Farm-Based Bio-Fuel Production (moved from later in the Article)

B: Agricultural Services and Farm Supply

C: Farm-Based Tourism/Entertainment Activities

D: Farm Products Direct Marketing Businesses

E: Greenhouse, Nursery, or Tree Farm

F: Keeping of Animals, Non-Farm

G: Kennel

H: Private Riding Arenas and Boarding Stables

I: Public or Commercial Riding Stables

J: Roadside Stands

Section 10.04: Residential Uses

A: Bed and Breakfast Inn

B: Farm Labor Housing

- C: Family and Group Day Care Homes
- D: Home Occupations
- E: Manufactured Housing Parks
- F: Multiple-Family Housing
- G: Single-Family Dwellings, Detached
- H: Adult Foster Care Facilities

Section 10.05: Non-residential Uses

- A: Amusement Center
- B: Large Scale Retail and Entertainment
- C: Campgrounds and Recreational Vehicle Parks
- D: Car Washes
- E: Composting Centers
- F: Controlled Uses
- G: Cemetery
- H: Day Care Facilities
- I: Drive-In or Drive-Through Facilities
- J: Extractive and Earth Removal Operations
- K: Funeral Parlor and Mortuary
- L: Institutional Uses
- M: Intensive Industrial Operations
- N: Landscape Operations and Snowplow Businesses
- O: Materials Recovery Facilities and Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boards, Machinery, Manufactured Houses, Or Similar Items
- P: Motion Picture Cinema
- Q: Motor Vehicle Service Centers, Repair Stations, and Fueling Stations
- R: Outdoor Cafes and Eating Areas
- S: Outdoor Sales or Display Areas
- T: Outdoor Promotional Activities (new section)
- U: Outdoor Storage, General
- V: Private Recreational Facilities
- W: Self-Storage Warehouses
- X: Showroom for Display or Sale of Products
- Y: Utility Transmission and Distribution Lines
- Z: Wireless Communication Facilities (new section)
- AA: Agricultural Processing and Food Storage (new section)
- BB: Firearm Retail Sales (new section)
- CC: Open Air Businesses (new section)
- DD: Artisan Food and Beverage Production (new section)

*Substantive Changes:*

- 1) "Farm based tourism/entertainment" regulations amended to list the applicable uses, require operational information within the site plan application, and require parking that complies with the standards of Article 11.
- 2) Added additional standards for "Keeping of Animals".
- 3) "Kennel" regulations amended to eliminate acreage minimum, require structures to be at least 50 feet from adjacent buildings/dwellings, require a conditional use permit for pet grooming, and only permit veterinary care and product sales that is incidental to the kennel use.
- 4) "Public or Commercial Riding Stables" uses require 200-foot buffer on all property sides not abutting a road.
- 5) "Roadside Stands" regulation added to require products to be locally/regionally grown and to prohibit nuisances.
- 6) "Family and Group Day Care Homes" standards added to reflect state requirements.
- 7) "Multiple Family Housing" setbacks amended.
- 8) "Single-Family Dwellings, Detached" minimum width requirements removed.
- 9) "Bakery" use standards removed.
- 10) "Large Scale Retail and Entertainment" building design and materials standards and site design standards added to discourage unsightly development and encourage more form-based style requirements.
- 11) "Controlled Uses" intent and purpose section rewritten for improved legal defensibility.
- 12) "Cemetery" uses require adequate assembly areas and ingress/egress.
- 13) "Day Care Facilities" standards amended to reflect state requirements.
- 14) "Drive-In or Drive-Through Facilities" standards include stacking lane requirements.
- 15) "Extractive and Earth Removal Operations" purpose and intent section amended to improve legal defensibility.
- 16) "Institutional Uses" amended to prohibit parking in required yards adjacent to residentially zoned property.
- 17) "Landscape Operations and Snowplow Businesses" no longer required to be an accessory use to a principal farm or single-family dwelling.
- 18) "Motor Vehicle Service Centers, Repair Stations, and Fueling Stations" requirements for setbacks for fuel canopies and pump facilities added, site arrangement, canopy design, and vehicle/pedestrian safety standards. Outdoor storage standards added.
- 19) "Outdoor Promotional Activities" regulations added.
- 20) "Outdoor Storage, General" section amended to require storage to be incidental to principal use.
- 21) "Self-Storage Warehouses" masonry construction façade requirement amended to permit Planning Commission discretion.

- 22) “Wireless Communication Facilities” regulations added.
- 23) “Agricultural Processing and Food Storage” regulations added.
- 24) “Firearm Retail Sales” regulations added.
- 25) “Open Air Businesses” regulations added.
- 26) “Artisan Food and Beverage Production” regulations added

## **Article 14: SIGNS**

*Purpose:* This section has been substantially amended, with new language to improve defensibility and reflect best practices and lessons from sign-related case law.

- Section 14.01 Purpose.
- Section 14.02 General Standards.
- Section 14.03 Signs Allowed Without a Certificate.
- Section 14.04 Signs Allowed with a Certificate.
- Section 14.05 Building-Mounted Signs.
- Section 14.06 Ground Signs.
- Section 14.07 Signs in the Special Districts.
- Section 14.08 Billboards.
- Section 14.09 Prohibited Signs.
- Section 14.10 Certificates of Zoning Compliance for Signs.
- Section 14.11 Nonconforming Signs.
- Section 14.12 Sign Removal by Township Action.
- Section 14.13 Exceptions.
- Section 14.14 Violations.
- Section 14.15 Enforcement.

### *Substantive Changes:*

- 1) New construction requirements, including screening of supporting framework for building mounted signs.
- 2) Removal of content-based regulations, including within the temporary sign and permanent sign regulations.
- 3) Backlighting on awning signs prohibited.
- 4) Removal policy language added for temporary signs in road rights-of-way.
- 5) General regulations and minimum setback requirements added for “other temporary signs.” Maximum area in AR district reduced from 36 to 18 square feet.
- 6) Standards added for construction signs.
- 7) Projecting signs: number of faces increased from 1 to 2, maximum area adjusted to 24 square feet per face.
- 8) Regulations on the total number of building mounted signs added.

- 9) Ground sign dimensional standards adjusted.
- 10) Permitted modifications removed.
- 11) Violations and Enforcement sections added.

## SUMMARY

Attached is Articles 10 and 14 with proposed changes in an underline/strikethrough format as follows:

- Deleted text shown in strikethrough
- Inserted text shown in underline

Section references throughout the Ordinance as well as a careful review of numbering and organizational hierarchy will be undertaken once a complete draft of all Articles are complete. Text shown in [brackets] is optional text including additional limitations recommended by staff that needs further consideration.

We look forward to meeting with you to discuss these proposed changes.

Sincerely,



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CARLISLE/WORTMAN ASSOC., INC  
Benjamin R. Carlisle, AICP, LEED AP  
President



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CARLISLE/WORTMAN ASSOC., INC.  
Michelle Marin, AICP  
Community Planner

Attachment: Articles 10 and 14

## ARTICLE 10 USE STANDARDS

### Section 10.001 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a Conditional Use Permit, shall be subject to the site development standards specified [in this Article](#), in addition to applicable standards and requirements for the zoning district in which the use is located. ~~The standards of this Article are intended to:~~

- ~~1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.~~
- ~~2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.~~
- ~~3. Ensure that such uses will be compatible with surrounding land uses.~~
- ~~4. Promote the orderly development of the district and the Township as a whole.~~

### ~~Section 10.002 Scope Of Regulations.~~

~~Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section \_\_\_\_\_ (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article \_\_\_\_\_ (Site Plan Review).~~

### Section 10.003 Organization.

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

**SECTION 10.1003 RURAL USES**

**SECTION 10.2004 RESIDENTIAL USES**

**SECTION 10.300 OFFICE, SERVICE, AND COMMUNITY USES**

**SECTION 10.400 COMMERCIAL USES**

**SECTION 10.500 INDUSTRIAL, RESEARCH, AND LABORATORY USES**

**SECTION 10.600 OTHER USES**

**SECTION 10.05 NON-RESIDENTIAL USES**

**SECTION ~~10.100~~10.03**  
**RURAL USES**

**A. Volatile Farm-Based Bio-Fuel Production.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

1. General Standards.

The following standards shall apply to all such facilities:

- a. The biofuel production facility shall be accessory to and located on the same zoning lot as an active farm operation lawfully operating in the Township.
- b. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and biodiesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
- c. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Section 4.07 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of one hundred (100) feet from all lot boundaries and road rights-of-way.
- d. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
- e. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Inspector documentation of all necessary permits and approvals from applicable federal, state, and local authorities with jurisdiction over any of the following:
  - (1) Air pollution emissions.
  - (2) Transportation of biofuel or another product or by-product of production.
  - (3) Use or reuse of additional products resulting from biofuel production.

- (4) Storage of raw materials, fuel or additional products used in or resulting from biofuel production.
  - (5) Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
  - (6) Compliance with federal requirements associated with ethanol production of more than ten thousand (10,000) proof gallons annually.
- f. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
- g. The operator of a facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel operating as a permitted use in the zoning district (without Conditional Use Permit approval) shall also provide an annual written report to the Zoning Inspector which demonstrates that:
- (1) At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
  - (2) At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.

Operation of a biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons that does not conform to the percentage limitations of this subsection shall be subject to Conditional Use Permit approval in accordance with this Section and Ordinance.

2. Additional Standards For Certain Facilities.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to biofuel production facilities with an annual production capacity of more than one hundred thousand (100,000) gallons of biofuel, and to any biofuel production facility subject to Conditional Use Permit approval in accordance with this Section or Ordinance:

- a. Such facilities shall be limited to a maximum annual biofuel production capacity of not more than five hundred thousand (500,000) gallons.

- b. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
- (1) A detailed description of the process to be used to produce the biofuel.
  - (2) The number of gallons of biofuel anticipated to be produced annually.
  - (3) An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
  - (4) Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

### 3. Limitations On Conditional Use Permit Review.

Per Section 3513 of the Michigan Zoning Enabling Act, Township review of a Conditional Use Permit application for a biofuel production facility shall be modified as follows:

- a. **60-day time limit for a public hearing.** For any Conditional Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 3.11 (Public Hearing Procedures) within sixty (60) calendar days after the filing date of a complete and accurate application.
- b. The application shall be deemed to have been rejected as incomplete if no public hearing is held within this sixty (60) calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section 9.08 (Re-Application).
- c. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section [amended 12/16/2013, Ord. 174-14]

## **B. Section 10.101      **Agricultural Services and Farm Supply Stores.****

Agricultural service establishments, bulk feed and fertilizer supply outlets, farm supply stores, and similar uses shall be subject to the following:

1. Any retail store component of such uses shall conform with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Farm products offered for sale shall include those grown or produced on land in Michigan or made from products grown or produced on land in Michigan.
3. Any outdoor sales or display areas shall conform to the standards of Section ~~\_\_\_\_\_~~10.06 U (Outdoor Sales or Display Areas).
4. Outdoor storage areas shall be adequately contained and shall be screened from adjacent lots and road rights-of-way per Section ~~\_\_\_\_\_~~12.03 (~~Landscaping, Screening and Land Use Buffers~~ Methods of Screening).
5. Storage, distribution, and processing of farm products as part of a permitted agricultural service establishment shall comply with the following:
  - a. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.
  - b. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.
  - c. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.
6. ~~\_\_\_\_\_~~6. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article ~~\_\_\_\_\_~~8 (Site Plan Review).

### ~~C. Section 10.102~~ **Farm-Based Tourism/Entertainment Activities.**

Farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. Uses. The following agricultural commercial/tourism businesses may be permitted after conditional land use review:
  - a. Cider mills or wineries selling product in a tasting room, containing at least 50% of crops or produce grown on-site.
  - b. Seasonal outdoor mazes of agricultural origin, such as straw bales or corn.
  - c. The processing, storage and retail or wholesale marketing of agricultural products into a value-added agricultural product in a

farming operation if at least 50% of the stored or processed, or merchandised products are produced by the farm operator.

d. U-pick operations.

e. Uses listed in Subsection A(1) through (4) above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the business is maintained and the income from these activities represents less than 50% of the gross receipts from the business.

(1) Value-added agricultural products or activities, such as education tours of processing facilities, etc.

(2) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).

(3) Petting farms, animal display, and pony rides

(4) Wagon, sleigh, and hayrides.

(5) Nature trails.

(6) Open air or covered picnic area with restrooms.

(7) Educational classes, lectures, seminars.

(8) Historical agricultural exhibits.

(9) (Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least 50% produce grown on site.

(10) Gift shops for the sale of agricultural products and agriculturally related products. Gifts shops for the sale of non-agriculturally related products, such as antiques or crafts, limited to 25% of gross sales.

f. Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property, including but not limited to: a) small-scale entertainment (e.g., music concert, car show, art fair), b) designated, permanent parking for more than 20 vehicles.

2. Site Plan Required:

a. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article ~~8~~8 (Site Plan Review). Such plan shall show the intended use and location of all

structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of necessary sanitary facilities and service areas, and transition plantings or screening devices.

b. The following additional operational information must also be provided as applicable:

- (1) Ownership of the property.
- (2) Months (season) of operation.
- (3) Hours of operation.
- (4) Anticipated number of customers.
- (5) Maintenance plan for disposal, etc.
- (6) Any proposed signs.
- (7) Any proposed lighting.
- (8) Maximum number of employees at any one time.
- (9) Restroom facilities.
- 1-(10) Verification that all required permits have been granted, i.e., federal, state, and local permits.

### 3. Standards:

2.a. Screening shall be provided per Section ~~12.03~~ 12.03 (Landscaping, Screening and Land Use Buffers Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within two hundred (200) feet of any area on the site occupied with sales or entertainment facilities. Crop growing areas of a depth of not less than three hundred (300) feet may be permitted to satisfy this requirement.

3.b. All facilities and improvements for permitted farm-based tourism or entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.

4.c. Noise levels shall not exceed sixty-five (65) decibels at any lot boundary or road right-of-way.

5.d. All exterior lighting for permitted farm-based tourism or entertainment activities shall be fully shielded and directed downward to minimize off-site glare and light pollution. Such lighting shall not exceed 0.5

footcandles in intensity as measured at any lot boundary or road right-of-way.

~~6.e.~~ The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.

f. Farm-based tourism or entertainment activities shall conform to the applicable requirements of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

g. Must provide off-street parking to accommodate the use as outlined in Article 11.

(1) Parking facilities may be located on a grass or gravel area for seasonal uses, such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.

(2) All parking areas shall be located in such a manner as to avoid traffic hazards associated with entering and exiting the public roadway.

~~7.~~(3) Parking shall not be located in required setback or buffer areas. Paved parking areas must meet all design and landscape screening requirements as set forth in this chapter.

### **D. Section 10.103 Farm Products Direct Marketing Business.**

~~Where f~~ Farm products direct marketing businesses, ~~are~~ listed in ~~Article~~ Section 4.09 (Use Regulations Land Use Table) ~~as a permitted accessory use, such uses~~ shall be accessory to an active farm operation. Such businesses shall ~~include "U-Pick" commercial agriculture operations,~~ direct sales to area restaurants, residents, and retail stores, Internet-based sales of farm products, and similar businesses.

### **E. Section 10.104 Greenhouse, Nursery, Or Tree Farm.**

The following shall apply to greenhouses, nurseries, and tree farms:

1. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
2. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in Section ~~7.13~~ 7.13 (Corner Clearance Zones).
3. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

4. ~~Where gGreenhouses, nurseries, and tree farms, are listed in Article \_\_\_\_\_ (Land Use Table) Section 4.09 (Use Regulations) as a permitted accessory use, such uses~~ shall be accessory to an active farm operation.
5. Retail sales of greenhouse and nursery products shall be permitted as an accessory use, subject to site plan approval per Article \_\_\_\_\_8 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.

### **F. Section 10-105 Keeping of Animals, Non-Farm.**

The standards of this Section shall not apply to keeping of animals as part of an active farm operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture. Non-farm raising and keeping of domesticated animals and livestock shall be subject to the following:

1. Non-farm raising and keeping of such animals shall be clearly incidental to a single-family dwelling and not for income generation or remuneration.
2. The raising and keeping of fowl, rabbits, and similar small, domesticated animals shall require a minimum lot area of one (1) acre, a certificate of zoning compliance and must comply with the following standards.
  - a. The activity shall remain an accessory use, incidental to the principal use of the lot for the principal dwelling of the property owner or their tenants.
  - b. No more than six (6) fowl, rabbits, or similar small domesticated animals are permitted.
  - c. Roosters or male chickens are not permitted.
  - d. The animals shall be provided with a predator-proof enclosure that is thoroughly ventilated, of sufficient size to admit free movement of the animals, designed to be easily accessed, cleaned, and maintained by the owners, and be at least two (2) square feet per animal in size. All enclosures for the keeping of animals shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
  - e. All feed shall be stored in a rodent and predator-proof container.
  - f. The animals shall be shut into the enclosure at night, from sunset to sunrise.
  - g. Animals shall not be kept in any yard other than the rear yard.
  - h. Slaughtering of animals on premises is prohibited.

- ~~2.i.~~ Structures or fenced areas for the keeping of small, domesticated animals shall be located not less than ~~five-ten~~ (510) feet from adjacent lots and road rights-of-way.
3. The raising and keeping of horses, cows, sheep, goats, llamas and similar domesticated livestock shall require a minimum lot area of four (4) acres, and shall be subject to the following:
- a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Raising and keeping of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
  - b. Structures for keeping such animals shall be located not less than seventy-five (75) feet from adjacent properties.
4. All animals shall be properly housed and fenced so as not to be a public nuisance.
5. All animal waste shall be properly disposed of so as not to jeopardize the public health, safety, or welfare, or create a detrimental effect on the environment or on neighboring properties.
6. Stables, barns, pens, and pastures shall be kept clean, and waste shall be treated and handled in such a manner as to control flies and odor.

### ~~G.~~Section 10.106 Kennel.

The standards of this Section shall apply to the keeping, housing or raising of six (6) or more dogs over six (6) months old for breeding, showing, boarding, training, competition, or as pets.

Kennels shall be licensed as required by Washtenaw County or other outside agency with jurisdiction, and shall be subject to the following additional standards:

1. **Maximum Number of Animals.** ~~Five~~ (5) animals are permitted for every one-quarter (.25) acre of land. When calculations for the number of animals permitted produces a fraction, the number of animals shall be rounded down to the nearest whole number.
- ~~1.2.~~ Kennels shall have a minimum lot area of ~~ten two-~~ (210) acres.
- ~~2.3.~~ The Planning Commission shall establish a limit on the maximum number of dogs that may be kept, housed or raised at one time as part of any Conditional Use Permit approval for a kennel.
- ~~3.4.~~ Structures or pens where dogs are kept, outdoor runs, exercise areas, and similar facilities shall not be located in any required yard setback areas. Such facilities shall be:

- a. Set back a minimum of three hundred (300) feet from road rights-of-way, one hundred (100) feet from side and rear lot boundaries, and fifty (50) feet from any watercourse.
  - b. Screened in accordance with Section ~~\_\_\_\_\_12.03~~ (~~Landscaping, Screening, and Land Use Buffers~~ Methods of Screening).
- ~~4.5.~~ The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
- ~~5.6.~~ The kennel shall be established and maintained in accordance with applicable sanitation regulations. The applicant shall submit a waste management plan for review as part of the Conditional Use Permit application.
- ~~6.7.~~ Dogs shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance.
- ~~8.~~ Structures in which animals are kept, as well as animal runs and exercise areas, shall not be located in any required front or rear setback area and shall be located at least 50 feet from any dwelling or building used by the public on adjacent land. All dogs shall be enclosed within a building at night.
- ~~7.~~
- ~~9.~~ All outdoor dog pens shall be enclosed with a six (6) foot high safety fence. Dog pen surfaces shall be of concrete pitched to contain and drain run-off from cleaning to a septic tank or other County approved system.
- ~~10.~~ Pet grooming (including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar treatment) shall be permitted for animals being boarded; for animals not being boarded, pet grooming shall be permitted if specifically authorized in the conditional use permit.
- ~~11.~~ The sale of pet and veterinary products shall be incidental to the kennel unless specifically authorized in the conditional use permit.
- ~~8.12.~~ Veterinary care shall be incidental to the kennel unless specifically authorized in the conditional use permit.
- ~~9.13.~~ Preliminary and final site plans shall be required in accordance with Article ~~\_\_\_\_\_8~~ (Site Plan Review). The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor [amended 5/21/2012, Ord. 174-07].

## ~~H. Section 10.107~~ Private Riding Arenas And Boarding Stables.

All stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

1. Stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall require a minimum lot area of four (4) acres, and shall be subject to the following:
  - a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Private rearing, schooling and housing of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
  - b. All stable and arena buildings, corrals, and similar structures shall be located not less than seventy-five (75) feet from all side and rear lot boundaries.
  - c. Stable and arena buildings, corrals, and similar structures shall not be located within any required front yard setback and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot. For lots without a principal dwelling, such structures shall be set back a minimum of three hundred (300) feet from all road rights-of-way.
2. A fenced area for pasturing, exercising or riding such animals may extend to the front, rear or side lot boundaries. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
3. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
4. There shall be no commercial activity, other than incidental sales not unusual for permitted RURAL USES or RESIDENTIAL USES.
5. Establishment or enlargement of such a facility shall be subject to approval of a certificate of zoning compliance per Section ~~\_\_\_\_\_~~3.02 (Certificates of Zoning Compliance). Approval of a building permit may be required if the facility is open to the public [amended 6/18/2012, Ord. 174-10].

### **I. ~~Section 10.108~~ Public Or Commercial Riding Stables.**

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals available or intended for use by the public or for hire on a per diem, hourly, or weekly basis shall be subject to the following:

1. An accessory dwelling in a principal building for the property owner or operator of the facility shall be permitted per Section ~~\_\_\_\_\_~~7.03 C (Accessory Dwelling).
2. The lot area shall not be less than twenty (20) contiguous acres under single ownership.

3. Such public or commercial riding stables and academies shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
4. Stable and arena buildings, corrals, and similar structures for public or commercial riding stables and academies shall be located not less than seventy-five (75) feet from adjacent properties.
5. ~~Stable and arena buildings, corrals, and similar structures for public or commercial riding stables and academies shall not be located within any required front yard setback and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot. A 200-foot open buffer shall be provided on all sides of the property not abutting a roadway. Stable and arena buildings, corrals, and similar structures shall not be located within this buffer.~~
- 5.
6. Fenced areas for pasturing, exercising or riding such animals may extend to the front, rear or side lot lines. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
7. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
8. Parking for patrons and employees shall be provided in compliance with Article ~~11~~ (Off-Street Parking and Loading Regulations). Such areas shall be screened per Section ~~12.03~~ ([Landscaping, Screening, and Land Use Buffers Methods of Screening](#)).
9. Such uses shall be subject to site plan approval per Article ~~8~~ (Site Plan Review).

### **J.Section 10-109 Roadside Stands.**

Roadside stands up to four hundred (400) square feet in gross floor area shall be permitted accessory to any RURAL USES, subject to the following:

1. Suitable trash containers shall be placed on the premises for public use.
2. ~~Locally/regionally grown farm products. Agriculture products distributed or sold at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than 100 miles from the facility. For value-added products sold at any facility, at least 50% of the products' namesake ingredient must be produced by a Michigan farm within 100 miles of the facility.~~

- ~~2.3.~~ The roadside stand structure(s) shall be set back outside of all road right-of-way. Such stands shall be removed from the roadside location during seasons when not in use.
- ~~3.~~ Any roadside stand shall have at least five (5) off-street parking spaces, which need not be paved with asphalt or concrete. Parking spaces shall be located outside of road rights-of-way.
- ~~4.~~ Nuisances. The roadside stand shall not create nuisances for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust or odors, and/or traffic that cannot be accommodated on-site.
- ~~4.5.~~ All signs used in connection with the use shall be temporary and shall comply with the requirements of Article ~~14~~ (Signs). Such signs shall be removed when the stand is not in use.
- ~~5.6.~~ Any roadside stand exceeding the limitations of this Section shall be subject to Conditional Use Permit approval as a farm-based tourism or entertainment facility per Section ~~10.04 C~~ (Farm-Based Tourism/Entertainment Activities).

### **K. Section 10.110 Veterinary Clinics And Hospitals.**

Veterinary clinics and hospitals shall comply with the following:

- a. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area shall be permitted, subject to the following:
  - a. Such areas shall be enclosed by a six (6) foot high safety fence.
  - b. Such exercise areas shall not be located in any required yard setback areas and shall be set back a minimum of fifty (50) feet from road rights-of-way, side and rear lot boundaries, and any watercourse.
  - c. Such areas shall be screened in accordance with Section ~~12.03~~ (Landscaping, Screening, and Land Use Buffers Methods of Screening).
- b. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
- c. Keeping of animals for overnight care shall be limited to the interior of the principal building. Treatment of non-domesticated animals shall be permitted.
- d. Operation shall include proper control of animal waste, odor, and noise.

- e. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article ~~\_\_\_\_\_~~8 (Site Plan Review).

## **SECTION 10. ~~2000~~4**

### **RESIDENTIAL USES**

#### **~~Section 10.201 Accessory Dwelling. [Note – moved to Sec. 7.03]~~**

~~It is the intent of this Section to permit dwellings accessory to certain non-residential uses under limited circumstances and subject to specific standards. The standards of this Section are intended to preserve the character and appearance of principal buildings that include one (1) or more accessory dwelling units. Accessory dwellings shall be subject to the following standards:~~

#### **~~A. Accessory To Office And Service Uses And Commercial Uses.~~**

~~The following standards shall apply to accessory dwelling units permitted in the O-1 (Office) District, and the NSC (Neighborhood Shopping Center) and VC (Village Center) Special Districts:~~

- ~~a. The accessory dwelling unit(s) shall be located within the same building occupied or intended to be occupied by one (1) more principal OFFICE AND SERVICES USES or COMMERCIAL USES, as permitted in the zoning district.~~
- ~~b. Accessory dwelling units shall be prohibited on the ground floor or street level of the building and shall be constructed with adequate sound and firewall separation from the principal use(s).~~
- ~~c. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.~~
- ~~d. Parking shall be provided for each accessory dwelling unit per Article \_\_\_\_\_ (Off Street Parking and Loading Regulations).~~
- ~~e. Construction of new accessory dwelling units shall be subject to site plan approval per Article \_\_\_\_\_ (Site Plan Review). The application shall include submittal of floor plans for the accessory dwelling and principal building.~~
- ~~f. Alteration of existing, approved accessory dwelling units shall be subject to administrative approval per Section \_\_\_\_\_ (Certificates of Zoning Compliance).~~

#### **~~B. Accessory Dwelling In The Pm Special District.~~**

~~A dwelling may be permitted accessory to principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted in the PM (Planned Manufacturing) Special District, subject to the following:~~

- ~~a. The accessory dwelling shall be located in a separate residential building on the same parcel or an abutting parcel under the same ownership as the principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted on the site.~~

- ~~b. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel, or to on-site security personnel.~~
- ~~c. Approval of a new accessory dwelling in the PM Special District shall be subject to the procedures and requirements of Article \_\_\_\_\_ (Special District Regulations). The application shall include submittal of floor plans and elevation drawings for the accessory dwelling.~~
- ~~d. Alteration of an existing, approved accessory dwelling in the PM Special District shall be subject to administrative approval per Section \_\_\_\_\_ (Certificates of Zoning Compliance).~~

### **C. Caretaker's Residence.**

Where a provision of this Article permits an accessory dwelling for use as a caretaker's residence, the following standards shall apply:

- ~~a. The caretaker's residence may be located within the principal building or may be a separate residential building on the same parcel as the principal use(s).~~
- ~~b. The caretaker's residence shall have separate kitchen, bath, and toilet facilities and a private entrance. If located within the principal building, the caretaker's residence shall be constructed with adequate sound and firewall separation from the principal use(s).~~
- ~~c. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel.~~
- ~~d. Construction of a caretaker's residence shall be subject to site plan approval per Article \_\_\_\_\_ (Site Plan Review). The application shall include submittal of floor plans and elevation drawings for the accessory dwelling.~~
- ~~e. Alteration of an existing, approved accessory dwelling in the PM Special District shall be subject to administrative approval per Section \_\_\_\_\_ (Certificates of Zoning Compliance).~~

### **A. Section 10.202 Bed and Breakfast Inn.**

Bed and breakfast inns shall comply with the following:

#### 1.A. General Regulations.

A bed and breakfast inn shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property.

- a. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time that the bed and breakfast operation is active.

b. A dwelling unit containing a bed and breakfast operation shall be maintained in compliance with fire safety codes, the State Construction Code, and other applicable regulations. The bed and breakfast operation shall comply with all applicable state laws and regulations.

c. Not more than one (1) person, other than members of the resident family, shall be employed in a bed and breakfast operation.

~~e.~~

### **2.B. Specifications.**

A dwelling to be used for a bed and breakfast operation shall have a minimum floor area of one thousand-six hundred (1,600) square feet, excluding basement and garage floor areas.

~~b.~~ a. Each bedroom shall have a minimum floor area of one hundred-twenty (120) square feet and shall be occupied by not more than two (2) persons.

~~e.b.~~ Not more than four (4) bedrooms shall be provided for bed and breakfast operations in any one single-family detached dwelling.

~~d.c.~~ Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. At least one (1) bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each four (4) guests. Each such bathroom shall be separate from the living quarters of the resident family.

~~e.d.~~ No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast inn. Cooking facilities in a dwelling containing a bed and breakfast inn shall be limited to the residential kitchen.

### **3.C. Scope Of Operation.**

a. No retail sales or other COMMERCIAL USES shall be permitted, except incidental sales associated with the bed and breakfast operation.

b. Full breakfasts or continental breakfasts may be served to registered guests only. No other meals shall be provided to such guests.

c. Service of alcoholic beverages in a bed and breakfast operation shall be prohibited.

d. Bed and breakfast facilities shall not be used for receptions, weddings, and similar celebrations and parties, other than private events for members of the resident's immediate family.

- e. The maximum length of stay for any occupant of a bed and breakfast operation shall be fourteen (14) days in any period of ninety (90) consecutive days.

#### **4.D. Signs, Parking, And Exterior Appearance.**

A single-family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except as permitted by this Section.

- ~~1.~~ a. One (1) ground sign, not more than four (4) square feet in area and four (4) feet in height, shall be permitted for the bed and breakfast operation; in addition to signs permitted for the principal dwelling per Article \_\_\_\_ (Signs). The ground sign shall be set back a minimum of ten (10) feet from road rights-of-way.
- ~~2.~~ b. A minimum of one (1) off-street parking space shall be provided per sleeping room in a bed and breakfast inn; in addition to spaces required for the dwelling unit per Article ~~\_\_\_\_\_~~11 (Off-Street Parking and Loading Regulations). Parking for the bed and breakfast inn shall not be located in any required front yard and stacking of more than two (2) vehicles in a driveway shall be prohibited.

#### **~~5.E.~~ Site Plan Approval.**

Bed and breakfast inns shall be subject to site plan approval per Article ~~\_\_\_\_\_~~8 (Site Plan Review). The site plan application shall include floor plans with the dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.), and the locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

#### **~~6.F.~~ Inspection And Certificate Of Occupancy.**

An approved Conditional Use Permit for a bed and breakfast inn shall not become effective and a bed and breakfast inn shall not be operated for business until the premises has been inspected by the Building Inspector and a certificate of occupancy has been issued with a finding of no safety violations. The Certificate shall be valid unless suspended by the Building Inspector upon a subsequent re-inspection disclosing violations, or until expiration of the time stated on the Certificate.

### **~~B.~~Section 10.203 Farm Labor Housing.**

Single-family dwelling units for temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation shall comply with the following:

- 1. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article ~~\_\_\_\_\_~~8 (Site Plan Review).

2. All structures for farm labor housing shall comply with the standards of Article ~~4.07~~ 4.07 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing. The following additional required setbacks shall apply to farm labor housing:
  - a. Such housing shall be set back a minimum of one hundred (100) feet from all side and rear property lines and seventy-five (75) feet from road rights-of-way.
  - b. Such housing shall be set back a minimum of one hundred-fifty (150) feet from any off-site single-family dwelling located on a separate parcel of property and owned by another individual or entity.
  - c. Legal nonconforming farm labor housing may be expanded or enlarged, provided such expansion or enlargement does not increase the nonconformity with respect to required setback distances.
3. The maximum number of permitted farm labor housing units shall be based upon the total gross land area of the associated farm operation, as follows:
  - a. ~~One (1) single-family dwelling unit per 1002-249 acres;~~  
a.
  - b. ~~Two (2) single-family dwelling units per 250-399 acres;~~  
b.
  - c. ~~Three (3) single-family dwelling units per 400-599 acres; and~~  
c.
  - d. ~~Four (4) single-family dwelling units per 600 acres or more.~~  
d.
4. Farm labor housing may be permitted as a principal use on a parcel that contains a minimum of two (2) acres and complies with all other requirements of this Section. This parcel shall be adjacent to the farm parcel where the laborers are employed and both parcels shall be under the same ownership.
5. The occupants shall be employed for farm labor by the farm operation owner at least fifty percent (50%) of the time while they occupy the housing.
6. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township, prior to the start of construction on the site.

### **C. Family and Group Day Care Homes**

1. State licensed family day care homes shall be considered a residential use of property and a permitted use in all residential districts.

2. The following regulations shall apply to group day care homes and day care centers, except licensed group day-care homes that lawfully operated before March 30, 1989:
  1. In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.
  2. Group day care homes shall be located a minimum of one thousand-five hundred (1,500) feet from the lot boundaries for any of the following facilities, as measured along public or private road rights-of-way between the nearest boundaries of the group day care home lot and the facility lot. The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved Conditional Use Permit for a group day-care home:
    - (1) Another licensed group day-care home.
    - (2) An adult foster care small group home, large group home or congregate care facility.
    - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.
    - (4) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
3. All outdoor play areas for group day care homes and day care centers shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height that conforms to the requirements of Section \_\_\_\_\_ (Fence Regulations) and is capable of containing the children within the play area.
4. The group day care home premises shall be maintained consistent with the visible character of single-family dwellings.
  - (1) No signs shall be permitted for such uses, other than that permitted for a single-family dwelling in the zoning district.
  - (2) A group day-care home shall not require the modification of the dwelling exterior nor the location of playground equipment in the front yard.
5. The operation of a group day care home shall not exceed sixteen (16) hours during any twenty-four (24) hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
6. One (1) off-street parking space shall be provided per non-resident employee of the group day care home, in addition to required parking for the dwelling.

7. Construction, expansion, and alteration of such uses shall be subject to site plan approval per Article 8 (Site Plan Review).
8. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a Conditional Use Permit for a group day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions on an approved group day care home beyond those listed in this Section.

[amended 8/16/2010, Ord. 174-04; and amended 2/21/2017, Ord. No. 174-19]

### **D.Section 10-204 Home Occupations.**

Home occupations shall be permitted as a use accessory to a single-family dwelling in any zoning district where such dwellings are permitted, subject to the following:

#### **1.A. Use Standards.**

Home occupations shall conform to the following requirements:

- a. The home occupation shall qualify for and receive all applicable local, state, and federal licenses, certificate, and permits.
- b. No persons shall be employed in the home occupation other than members of the immediate family residing on the premises.
- c. Home occupations shall be limited to single-family detached dwellings, and to other owner-occupied dwellings. The home occupation shall be conducted only within the dwelling or within an accessory structure on the parcel.
- d. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
  - ~~(2)~~(1) The total floor area used by the home occupation, whether the home occupation is conducted within the dwelling unit or within an accessory building, shall not exceed twenty percent (20%) of the floor area of the dwelling unit.
  - ~~(3)~~(2) There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation. External and internal alterations not customary for a single-family dwelling shall be prohibited.
- e. Traffic generated by a home occupation shall not be greater in volume than that normally expected within the neighborhood.
- f. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall not be located in any required yard and shall be subject to the standards of Article ~~\_\_\_\_\_~~11 (Off-Street Parking and Loading Regulations).

- g. No signs shall be permitted for the home occupation, other than a nameplate as permitted for a dwelling per Article ~~\_\_\_\_\_~~14 (Signs).
- h. No article shall be sold on the premises except that which is prepared on-site or provided as incidental to the service or profession conducted therein.
- i. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.
- j. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

2.B. Permitted Home Occupations.

The following uses shall be permitted as home occupations:

- ~~b.~~ a. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
- ~~c.~~ b. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).
- ~~d.~~ c. Home office for a massage therapist, subject to the standards of Section \_\_\_\_\_ (Therapeutic Massage).
- ~~e.~~ d. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
- ~~f.~~ e. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, weaving, sewing, tailoring and similar crafts.
- ~~g.~~ f. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
- ~~h.~~ g. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed fifteen (15) days per calendar year.
- ~~i.~~ h. Any home occupation not specifically listed may be approved by the Planning Commission with a Conditional Use Permit, subject to the provisions of this Section and Article ~~\_\_\_\_\_~~9 (Conditional Uses).

3.C. Prohibited Uses.

The following uses are expressly prohibited as a home occupation:

- ~~b.~~ a. Motor vehicle and recreational vehicle repair, body and paint shops, welding shops, and storage or dismantling yards.
- ~~c.~~ b. Kennels and veterinary clinics.

- ~~d.c.~~ Medical or dental clinics.
- ~~e.d.~~ Retail sales of merchandise and eating or drinking establishments.
- ~~f.e.~~ Mortuary and funeral homes.
- ~~g.f.~~ Controlled uses and sexually oriented businesses.
- ~~h.g.~~ Any use or process that creates noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; or any use involving electrical equipment processes that create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises.
- ~~i.h.~~ Any use involving outdoor display or storage of materials, goods, supplies, or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
- ~~j.i.~~ Any use that would potentially create or exacerbate any hazard of fire, explosion, or radioactivity.
- ~~k.j.~~ Uses similar to the above listed uses, or any use which would, in the determination of the Planning Commission, result in nuisance factors as defined by this Ordinance.

#### ~~4.D.~~ Inspection And Enforcement.

All home occupations may be subject to inspection by the Zoning Inspector to verify compliance with this Section and Ordinance. Failure to comply with this Section and Ordinance may result in Township action to seek closure of the home occupation, and such other penalties as provided for in this Ordinance.

### **E. Section 10-205 Manufactured Housing Parks.**

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following minimum requirements:

#### ~~1.A.~~ Lot Area And Height Regulations.

~~b.~~ **a. Lot area.** The minimum area of the lot that comprises the manufactured housing park shall be twenty (20) acres.

#### ~~e.b.~~ **Height requirements.**

~~(2)~~ **(1)** Except as otherwise provided in Paragraph b below, no building or structure shall exceed a height of two (2) stories or twenty-five (25) feet.

~~(3)~~**(2)** The maximum height of accessory structures in a manufactured housing park shall be fifteen (15) feet. The height of a storage building on a manufactured housing park site shall not exceed the lesser of fifteen (15) feet or the height of the manufactured housing.

#### ~~d.c.~~ **Landscaping.**

~~(2)~~(1) A landscape strip at least twenty (20) feet wide shall be located and continually maintained along all park borders not adjacent to public streets. This strip shall consist of such plant materials as trees and shrubs to provide privacy for the manufactured housing park residents and to provide a transition area between the manufactured housing park and surrounding properties. A fence may be required by the Planning Commission as part of the site plan approval to protect the manufactured housing park or adjacent properties from trespassing.

~~(3)~~(2) Such landscape strip shall not contain carports, recreation shelters, storage shelters, or any other structures, parking spaces, or active recreation areas.

~~2.B.~~ Planning And Development Regulations for Manufactured Housing Parks.

~~b.~~ **a. Sale of homes.** The business of selling new and/or used manufactured housings as a commercial operation in connection with the operation of manufactured housing parks shall be prohibited. New or used manufactured homes located on lots within the manufactured housing park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing park provided the park's regulations permit the sale.

~~e.b.~~ **Minimum distances.** A manufactured home shall be in compliance with the following minimum distances:

- ~~a.~~ (1) Twenty (20) feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent manufactured housing park site.
- ~~b.~~ (2) Ten (10) feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent manufactured home.
- ~~c.~~ (3) Ten (10) feet from an on-site parking space of an adjacent site.
- ~~d.~~ (4) Fifty (50) feet from any permanent building.
- ~~e.~~ (5) Ten (10) feet from the edge of an internal street.
- ~~f.~~ (6) Twenty (20) feet from the right-of-way line of a dedicated public street within the manufactured housing park.
- ~~g.~~ (7) Seven and one-half (7.5) feet from a parking bay.
- ~~h.~~ (8) Seven (7) feet from a common pedestrian walkway.

~~d.c.~~ **Parking requirements.**

- a. (1) A minimum of two (2) parking spaces shall be provided for each manufactured housing park site.
- b. (2) Additional parking facilities shall be provided:
  - ~~(1)~~ (a) for storage of maintenance vehicles;
  - ~~(2)~~ (b) at the park office location for office visitors; and
  - ~~(3)~~ (c) for general visitor parking, at the ratio of one (1) parking space for every three (3) manufactured housing park sites in the park, in a convenient location for the manufactured housing park sites served thereby.

e.d. **Streets.**

- a. (1) Vehicular access to a manufactured housing park shall be provided by at least one hard-surface public road as designated in the adopted Growth Management Plan.
- b. (2) Only streets within the manufactured housing park shall provide vehicular access to individual manufactured housing park sites in the manufactured housing park.
- c. (3) Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted along one (1) side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street.
- d. (4) The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted along one (1) side, and thirty-three (33) feet where parallel parking is permitted along both sides.
- e. (5) A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area. Adequate turning radii for emergency vehicles, including fire trucks, shall be provided.

f.e. **Outdoor storage.** Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park but shall be limited for use only by residents of the manufactured housing park. The location of such storage area shall be shown on the site plan. No part of such storage area shall be located in any yard setback required on the perimeter of the manufactured housing park. Such storage area shall be screened from view from adjacent residential properties, public streets, and roads.

g.f. **Site-constructed buildings.** All buildings constructed on site within a manufactured housing park must be constructed in compliance with applicable building, electrical, plumbing, and mechanical and cross-

connection codes. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with applicable building, electrical, plumbing, and mechanical codes. Certificates and permits shall be required as provided in Article ~~\_\_\_\_\_~~3 (Administration and Enforcement). A final site plan shall be approved prior to construction of any principal structure, not including manufactured housing park units, in accordance with Article ~~\_\_\_\_\_~~8 (Site Plan Review).

~~h.g.~~ **Placement of a manufactured housing park unit.**

- a. (1) It shall be unlawful to park a manufactured housing park unit so that any part of such unit will obstruct a street or pedestrian walkway.
- b. (2) A building permit shall be issued by the Township Building Department before a manufactured home may be placed on a site in a manufactured housing park.

~~i.h.~~ **Site plan review required.** Construction of a manufactured housing parking shall require prior approval of a site plan by the Township Planning Commission in accordance with Article 8 (Site Plan Review).

- a. ~~(Construction of a manufactured housing park shall require prior approval of a site plan by the Township Planning Commission.~~
- b. ~~The site plan shall be prepared on standard twenty four (24) inch by thirty six (36) inch sheets and shall be of a scale not greater than one (1) inch equals twenty (20) feet or less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan.~~
- c. ~~For purposes of this Section only, a site plan shall provide the following information:~~
  - ~~(1) Scale, north arrow, name and date, and date of any revisions.~~
  - ~~(2) Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.~~
  - ~~(3) Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.~~
  - ~~(4) A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.~~
  - ~~(5) Existing topography, at a minimum of two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; one hundred (100) year flood hazard area.~~

- ~~(6) Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.~~
- ~~(7) Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.~~
- ~~(8) Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drain fields, if applicable.~~
- ~~(9) Names and rights of way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.~~
- ~~(10) Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.~~
- ~~(11) Grading plan, at a minimum contour interval of two (2) feet.~~
- ~~(12) Location and exterior dimensions of proposed buildings and structures other than manufactured housing unit dwellings; height and finished floor elevations of such buildings and structures; location of the manufactured home and parking spaces on each manufactured housing park site.~~
- ~~(13) Location and alignment of all proposed streets and drives; rights of way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.~~
- ~~(14) Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross-section of parking surface.~~
- ~~(15) Location, width, and surface of proposed sidewalks and pedestrian paths, including notations on the site plan depicting handicapped access.~~
- ~~(16) Location, use, size, and proposed improvements of open space and recreation areas.~~
- ~~(17) Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.~~
- ~~(18) Location, type, size, area, and height of proposed signs.~~

- ~~(19) General proposed utility layout for sanitary sewer, water and storm water systems.~~
- ~~(20) Landscape plan showing location, type, and size of plant materials.~~
- ~~(21) Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.~~
- ~~(22) An overall map shall be developed on a twenty four (24) inch by thirty six (36) inch sheet showing how this property ties in with all other surrounding properties, including:
 
  - ~~(a) existing and proposed water mains and sanitary and storm sewers in the area, including sanitary sewer service areas;~~
  - ~~(b) the road network in the area; and~~
  - ~~(c) the relationship of existing and proposed drainage courses and retention bases in the general area that impact or are impacted by this development as well as an area wide drainage map showing all the sub areas that affect this site (all drainage must be directed to retention ponds).~~~~

~~j.i.~~ **Building permits required.** No manufactured home may be placed on a manufactured housing park site until a Building Permit has been issued by the Superior Township Building Department. A Building Permit shall not be issued until all required state approvals have been obtained.

~~k.j.~~ **Occupancy.** A manufactured home in a manufactured housing park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of Occupancy is issued by the Superior Township Zoning Inspector.

## **F. ~~Section 10-206~~ Multiple-Family Housing.**

All multiple-family dwellings and developments, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, dormitory housing, and other state-licensed and other managed residential facilities shall comply with the following:

### **A1. General Standards.**

**a. Distances between buildings.** In addition to the required yard setbacks for the zoning district, the following minimum distance shall be provided between two (2) or more residential buildings on a lot:

In addition to the required setback lines provided elsewhere in this chapter, in multiple-family dwellings (including semidetached and multiple dwellings) the following minimum distances shall be required:

Minimum Distance Between Buildings

Minimum Setback From:				
Building Height (feet)	Internal Drive (feet)	Building Side to Building Side (feet)	Building Side to Building Front or Building Rear (feet)	Building Front to Building Front or Building Rear to Building Rear (feet)
35 or under	10	20	30	40
36 and higher	10	30	36	50

b.

- a. ~~(1) 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. ~~(2) Where buildings are side to side, one and one half (1 1/2) times the height of the taller building, but not less than twenty (20) feet.~~
- c. ~~(3) 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.~~

In applying the above regulations, the front of the building shall mean that face of the building having the greatest length; the rear shall be that face opposite the front; and the sides shall be the faces between the front and rear faces.

~~e.b.~~ **Pedestrian access.** Concrete sidewalks or paved pathways shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps. Permanent barrier free access shall be provided to primary building entrances where a difference in elevation exists between an entrance and grade level.

~~d.c.~~ **Recreation areas.** Passive or active recreation areas (such as seating areas, playgrounds, swimming pools, walking paths and other recreational elements) shall be provided in accordance with the intended character of the development. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents and shall not be located within any required yard setbacks or required building separation areas.

~~e.d.~~ **Compatibility.** Multiple-family buildings shall be aesthetically compatible in design and appearance with housing in the neighborhood and the intended character of area per the Growth Management Plan. Compatibility shall be determined by the Planning Commission according to the following standards:

- a. (1) Multiple-family buildings shall comply with the standards of Section 12.02 (Building Form and Composition).

b. (2) Exterior walls shall be finished with materials common to dwellings in the Township, such as, but not limited to, beveled siding or brick.

c. (3) Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.

f.e. **Site plan approval.** Construction, expansion, and alteration of multiple-family housing shall be subject to site plan approval per Article ~~8~~ 8 (Site Plan Review).

## **B2. Senior Housing and Elderly Housing and Dormitory Housing.**

The following additional standards shall apply to senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, dormitory housing, and other state-licensed and other managed residential facilities:

1. **a. Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for these accessory uses.

2. **b. Compliance with regulations.** Such facilities shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws, and applicable licensing and certification requirements.

3. **c. Density.** Nursing homes, assisted living facilities, dependent elderly housing, and permitted dormitory housing shall be exempt from the maximum dwelling unit density standards for the zoning district. Such standards shall apply to senior and independent elderly housing, and other state-licensed and other managed residential facilities.

~~C3. Multiple-Family Residences In The O-1 (Office) District.~~

~~THE FOLLOWING ADDITIONAL STANDARDS SHALL APPLY TO MULTIPLE-FAMILY RESIDENCES, WHERE PERMITTED IN THE O-1 (OFFICE) DISTRICT:~~

~~1. ....A~~

~~Multiple-family residences proposed to be located within the same building occupied or intended to be occupied by one (1) more principal office and services uses or commercial uses permitted in the zoning district shall be subject to approval as accessory dwelling units per Section 7.03 C (Accessory Dwelling).~~

~~2. ....B~~

~~Multiple-family residences proposed to be developed as the principal use of a parcel in the O-1 district shall be subject to the standards of this section, and the standards of the R-7 (Multiple-Family Residential) District as specified in Article 4.07 (Dimensional Standards).~~

**G. Section 10.207 Single-Family Dwellings, Detached**

The intent of this Section is to ensure compliance of single-family detached dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing single-family dwellings in the surrounding area. The standards of this Section are not intended to apply to dwellings located within a licensed and approved manufactured housing park in the R-6 (Manufactured Housing Park) District. New single-family detached dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

- 1. The dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction.
- ~~2. The dwelling shall be placed on a permanent foundation wall meeting all requirements of the State Construction Code, subject to the following:
 
  - ~~a. The dwelling shall be secured to the ground by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.~~
  - ~~b. Wheels, tongue, hitch, or similar appurtenances attached to a manufactured dwelling shall be removed before anchoring the dwelling.~~~~
- ~~3.2.~~ The dwelling shall be connected to potable water and sanitary sewerage facilities per Section 14.06 (Water Supply and Sanitary Sewerage Facilities).
- ~~4.3.~~ The single-family detached dwelling shall be aesthetically compatible in design and appearance with housing in the neighborhood and other single-family dwellings in Superior Charter Township. Compatibility shall be determined according to the following standards:

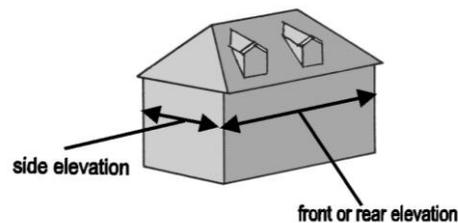
- a. Single-family dwellings shall comply with the standards of Section ~~\_\_\_\_\_~~ 12.02 (Building Form and Composition).
- b. Exterior walls shall be finished with materials common to dwellings in the Township, such as, but not limited to, beveled siding or brick.
- c. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
- ~~d. The dwelling, prior to any additions or expansions, shall have a minimum width across all front, side, and rear elevations of twenty-six (26) feet see "Dwelling Elevations" illustration.~~

5.4. A building permit shall be required for construction of the foundation wall, for placement of the single-family detached dwelling on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Certificate of Zoning Compliance has been issued in accordance with Section ~~\_\_\_\_\_~~ 3.02 (Certificates of Zoning Compliance).

6.5. Not more than one (1) single-family detached dwelling shall used as a dwelling on a lot, nor shall a new dwelling be placed on any lot where an existing dwelling or other principal use is located. A single-family detached dwelling shall not be used as an accessory building in any residential district.

7.6. Single-family dwellings shall have a minimum floor area, not including basement or attached garage floor area, of one thousand-two hundred (1,200) square feet. [amended 4/20/2009, Ord. 174-02]

### ILLUSTRATION



**Dwelling Elevations**

## H. ~~Section 10.208~~ **Adult Foster Care Facilities.**

The following shall apply to all adult foster care facilities as defined in ~~Section \_\_\_\_\_~~ Article 2 (Definitions):

### A1. **General Standards.**

The following standards shall apply to all adult foster care facilities in the Township:

- 1. a. **Licensing.** In accordance with applicable state laws, all adult foster care facilities shall be licensed by the State of Michigan and shall be maintained in compliance with the minimum standards for such facilities.

- 2. **b. Outdoor recreation area.** For each person cared for in an adult foster care facility there shall be provided and maintained a minimum of one hundred-fifty (150) square feet of usable outdoor recreational area, which shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height that conforms to the requirements of Section        7.02 (Fence Regulations).
- 3. **c. Appearance.** Where adult foster care facilities are located in the Residential Districts or a Special District planned for RESIDENTIAL USES, the premises shall be maintained consistent with the visible character of single-family dwellings.

## **B2. Additional Standards For Larger Facilities.**

The following additional standards shall apply to all adult foster care large group homes and congregate care facilities in the Township, as well as to any adult foster care small group home for care of seven (7) or more people:

- 1. **a. Location.** These facilities shall have direct frontage on and vehicle access to a primary or collector road as classified by the master transportation plans of the Township, or county or state road authorities.
- 2. **b. Pick-up and drop-off areas.** These facilities shall provide adequate off-street space and facilities for safe pick-up and drop-off of residents.
- 3. **c. Concentration of facilities.** These facilities shall be located a minimum of one thousand-five hundred (1,500) feet from the lot boundaries for any of the following facilities, as measured along public or private road rights-of-way between the nearest lot boundaries:
  - a. **(1)** A licensed group day-care home.
  - b. **(2)** Another adult foster care small group home, large group home or congregate care facility.
  - c. **(3)** A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.
  - d. **(4)** A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- 4. **d. Screening.** The Planning Commission may require any outdoor recreation or off-street parking area for these facilities to be screened from adjacent RESIDENTIAL USES or lots in the Residential Districts per Section        (Methods of Screening) 12.02 (Landscaping, Screening and Land Use Buffers).

5. e. **Site plan approval required.** Construction, expansion, and alteration of these facilities shall be subject to site plan approval per Article ~~8~~ 8 (Site Plan Review). [amended 2/21/201709, Ord. 174-19]

**SECTION 10.300****SECTION 10.05 OFFICE, SERVICE, AND COMMUNITY NON-RESIDENTIAL USES****Section 10.301 Accessory Office, Service, And Community Uses.**  
**[Note – moved to Sec. 7.03]**

Where specific OFFICE, SERVICE, AND COMMUNITY USES are proposed accessory to another principal use in a zoning district, such uses shall be subject to the following restrictions, in addition to any other applicable use standards:

1. Such uses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building and not for the use of the general public.
2. No signs for such accessory uses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. In the Planned Community (PC), Medical Services (MS), and Planned Manufacturing (PM) Special Districts, such uses shall be located either in a building containing the principal use that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping.
4. In all other zoning districts where accessory OFFICE, SERVICE, AND COMMUNITY USES are permitted, such uses shall be located in a building containing the permitted principal use that will be served.
5. Where an accessory pharmacy, drugstore or medical supply store is located within a hospital or other principal building, the building shall have sixty five percent (65%) or more of its usable floor area devoted to principal medical or dental uses. Not more than eight percent (8%) of the building's usable floor area shall be occupied by the pharmacy, drugstore or medical supply store.

**A. Section 10.402 Amusement Center.**

Amusement centers that provide space for patrons to engage in the playing of mechanical amusement devices, recreational games, and similar recreational activities of a commercial character shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.

2. Outdoor amusement centers also shall be subject to the standards of Section \_\_\_\_ (Outdoor Sales and Display Areas).
3. Pool and billiard parlors, pinball/video game parlors, and arcades shall be permitted as an amusement center.
4. Such uses shall comply with the applicable standards and licensing requirements of the Township's Public Amusements Ordinance (Ord. No. 67).

### ~~Section 10.403 Bakeries.~~

~~Bakeries shall be subject to the following standards by zoning district:~~

- ~~1. **Planned Manufacturing (PM) Special District.** The principal use of the premises shall be for the preparation and manufacturing of bakery products to be distributed and sold at off-site locations. Any area(s) for sales of products prepared on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the principal use.~~
- ~~2. **Business Districts.** The principal use of the premises shall be for the preparation and sale of bakery products on the premises. Distribution of products made on the premises to off-site locations shall be prohibited.~~

### B. ~~Section 10.404 Big Box COMMERCIAL USES~~ Large Scale Retail and Entertainment.

~~"Big Box"~~ Large Scale Retail and Entertainment shall include stores, supermarkets, and wholesales stores, multi-tenant shopping centers, and similar COMMERCIAL USES with more than fifty thousand (50,000) square-feet of total gross floor area in a single building footprint) shall be subject to the following:

#### 1. Building design and materials.

- a. Facades and exterior walls. The maximum length of an uninterrupted building facade facing public streets, residentially zoned or used property, and/or parks shall be 30 feet. Facade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- b. Roofs. Roofs shall exhibit one or more of the following features depending upon the nature of the roof and building design:
  - (1) Flat roof. Parapets concealing flat roofs and rooftop equipment or screening surrounding rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed 1/3 of the height of the supporting wall at any point.

(2) Pitched roof.

(a) Overhanging eaves, extending no less than three feet past the supporting walls;

(b) An average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;

(c) Three or more roof slope planes.

2. Site design.

a. Parking lot location. No more than 50% of the off-street parking area devoted to the large-scale retail establishment shall be located within the front yard and between the front facade of the principal building and the abutting streets.

b. Primary entrance. The primary building entrance shall be clearly identifiable and usable and located facing the right-of-way.

c. Pedestrian connection. A pedestrian connection shall provide a clear, obvious, publicly accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

(1) Fully paved and maintained surface not less than five feet in width.

(2) Unit pavers or concrete distinct from the surrounding parking and drive lane surface.

(3) Located in a separated sidewalk, within a raised median, or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.

d. Additional entrances. In addition to the primary facade facing front facade and/or the right-of-way, if a parking area is located in the rear or side yard, it must also have a direct pedestrian access to the parking area that is of a level of materials, quality, and design emphasis that is at least equal to that of the primary entrance.

e. Delivery/loading operations. Loading docks, trash collection, outdoor storage, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening

materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

~~1.f.~~ **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent streets and streets, and the number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.

~~a.g.~~ Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

~~b.h.~~ A traffic impact study and proposed mitigation measures shall be required.

~~2.3.~~ **Outlots.** The site design, circulation, parking layout and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.

~~3.4.~~ **Screening.** Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section ~~\_\_\_\_\_ (Methods of Screening)~~ 12.03 (Landscaping, Screening and Land Use Buffers), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

~~4.5.~~ **Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

## ~~D. Section 10.302~~ **Campgrounds and Recreational Vehicle Parks.**

Recreational vehicle parks and campgrounds shall be subject to the following:

1. **Lot area.** Minimum site area shall be ten (10) acres.
2. **Screening and security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site and may require screening from road rights-of-way and abutting RESIDENTIAL USES in accordance with Section ~~\_\_\_\_\_ (Methods of Screening)~~ 12.03 (Landscaping, Screening and Land Use Buffers).
3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of one hundred (100) feet from all lot boundaries.

4. **Temporary storage of recreational vehicles and trailers.** Temporary off-season storage of recreational vehicles and camping trailers not set up for occupancy shall be permitted as an accessory use, subject to the following:
  - a. Such storage shall be incidental to the principal use of the parcel as a campground or recreational vehicle park.
  - b. Storage of such vehicles and trailers shall be limited to the off-season when the campground or recreational vehicle park is closed.
  - c. Such vehicles and trailers shall be stored on the individual campsites and shall be limited to one (1) recreational vehicle or trailer per campsite.
  - d. Such vehicles and trailers shall be secured and shall not be occupied while in storage.
5. **Use standards.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, exterior lighting, or other impacts that impair the continued use and enjoyment of adjacent lots.
  - a. All recreational vehicles and trailers must be operable and licensed to operate on the highways of the State of Michigan.
  - b. Each campsite shall either be provided with approved potable water and sanitary sewer or septic hookups, or shall have convenient access to approved bathrooms, toilets, and shower facilities.
  - c. Campgrounds and recreational vehicle parks shall be for seasonal recreation use. Permanent residency on a campsite shall be prohibited.
  - d. A caretaker's residence shall be permitted accessory to a campground or recreational vehicle park, subject to the requirements of Section ~~\_\_\_\_\_~~[7.03 C](#) (Accessory Dwelling).
  - e. Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

### ~~E. Section 10.405~~ **Car Washes.**

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

#### **A1. Use Standards.**

- ~~1.~~ **a.** ~~\_\_\_\_\_~~ All washing facilities shall be completely within an enclosed-building and exit lanes shall be designed to prevent runoff from impacting adjacent properties or road rights-of-way.

2. b. Steam used in the cleaning process shall be contained within an enclosed building.
3. c. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of one hundred (100) feet from any RESIDENTIAL USES. The hours of operation of any vehicle wash facility shall be subject to Planning Commission approval.
4. d. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
5. e. The hours of operation of the car wash shall be subject to Planning Commission approval.

**B2. Ingress/Egress.**

1. a. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. b. Driveways serving a wash facility shall be set back a minimum of one hundred (100) feet from the intersection of any two (2) public roads.
3. c. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
4. d. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.
5. e. All maneuvering areas and stacking lanes shall be located within the car wash lot.

**C3. Screening.**

Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section ~~\_\_\_\_\_ (Methods of Screening)~~ 12.03 (Landscaping, Screening and Land Use Buffers), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

**~~F. Section 10.601~~ Composting Centers.**

Composting centers and support facilities shall be subject to the following:

**A1. Site Plan Requirements for Composting Facilities.**

Establishment, expansion, and alteration of a composting facility shall be subject to site plan approval. In addition to the requirements of Article ~~\_\_\_\_\_ 8~~ (Site Plan Review), the following information shall be included on a site plan for a composting facility:

- ~~1.~~ a. Access route traffic patterns as well as on-site traffic patterns.
- ~~2.~~ b. A detailed maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored; and impacts on public road rights-of-way. The maintenance plan shall include the following minimum provisions:
  - ~~a.~~ (1) Methods and practices by which the tracking of mud or compost materials from composting areas into public road rights-of-way will be minimized.
  - ~~b.~~ (2) Location(s) of truck cleaning areas, and methods of cleaning trucks to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.
  - ~~c.~~ (3) An on-site traffic control pattern, including a bypass road around the truck cleaning area if applicable.
  - ~~d.~~ (4) Method for removing soil, dust, and/or compost materials attributable to the composting operations from public roads within 1,500 feet of the composting area entrance and exits.
- ~~3.~~ c. Written documentation of an operation plan addressing the following:
  - ~~a.~~ (1) Hours of operation.
  - ~~b.~~ (2) Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
  - ~~c.~~ (3) Method of receiving compost materials.
  - ~~d.~~ (4) Method of sorting and handling composting materials on-site.
  - ~~e.~~ (5) Measures to be taken should anaerobic conditions arise.
  - ~~f.~~ (6) Expected frequency of removal of composted materials.
  - ~~g.~~ (7) Expected frequency for turning of composting windrows.
  - ~~h.~~ (8) Fire protection.
  - ~~i.~~ (9) Description of daily cleanup procedures.
  - ~~j.~~ (10) Measures to be taken should surface or groundwater contamination take place.
  - ~~k.~~ (11) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.

4. d. A closure plan shall be submitted with the application, which shall detail the final end use of the property should use of the facility be discontinued for more than three hundred sixty-five (365) consecutive days. The plan shall describe:
- a. (1) How the existing site will be cleaned up.
  - b. (2) How and where the existing surface debris will be disposed.
  - c. (3) What the final disposition of the land will be.
  - d. (4) A cost estimate for clean-up and restoration of the site.

## **B2. Size And Location.**

Composting facilities shall have a minimum lot area of twenty (20) acres, and shall not be allowed in any one hundred (100) year floodplain, groundwater recharge area, or regulated wetland.

## **C3. Ground And Surface Water Quality.**

To ensure that ground or surface waters are not contaminated, such facilities shall be subject to the following:

- 1. a. The surface and ground waters at a composting facility shall comply with the water quality requirements of applicable state and federal laws.
- 2. b. Monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator or lessee.
  - a. (1) Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with applicable state and federal laws. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.
  - b. (2) Should test wells reveal violation of the water quality requirements of applicable state and federal laws, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator or lessee.
- 3. c. If any stream or swale is present on the site, it shall be buffered by a one hundred (100) foot open space setback measured from the outer edge

of the floodplain or all alluvial soils to ensure that the stream is adequately protected from pollution.

4. d. Surface water monitoring shall also be required to assess the adequacy of leachate containment and runoff control, and for compliance with applicable state and federal laws. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator or lessee.
5. e. Documentation of the analysis for all ground and surface water monitoring events shall be submitted to the Township within sixty (60) days after completion.
6. f. Discharge of water from an on-site stormwater retention basin shall only be reintroduced into the compost pile, directed into a publicly owned and operated sanitary sewerage system, or transported and disposed of off-site by a liquid industrial waste hauler. Discharges into the Township's sanitary sewerage system shall comply with the Township's utility and sewer ordinances.

#### **D4. Anaerobic Conditions Prohibited.**

Compost materials shall not be accepted on site in an anaerobic conditions. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Zoning Inspector, Washtenaw County, or authorized consultant.

If anaerobic conditions arise more than two (2) times during any thirty (30) calendar day period, the Planning Commission may rescind approval of any Conditional Use Permit or require closure of the facility for up to sixty (60) calendar days. After two (2) such closures within one (1) calendar year, the Planning Commission may take action to rescind approval of any Conditional Use Permit and require closure of the facility permanently.

#### **E5. Screening And Separation Standards.**

To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

1. a. No composting facility shall be constructed or expanded within five hundred (500) feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES, as measured by a straight line along the shortest distance between the zoning district boundary and the boundary of the subject lot for the facility.
2. b. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section ~~\_\_\_\_\_ (Methods of Screening)~~ [12.03 \(Landscaping, Screening and Land Use Buffers\)](#) [amended 8/16/2010, Ord. 174-04].

**F6. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, And Blowing Debris.**

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare.

1. a. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
2. b. Failure to meet minimum performance standards or maintain the site in compliance with the approved plans shall be considered a use violation of this Ordinance, subject to all applicable penalties

**G7. Compost Storage.**

The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property.

**H8. Right Of Entry and Inspection.**

All composting areas are subject to inspection by the Zoning Inspector, Township Planner, Township Engineer or other designated Township agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions in the composting facility. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

**~~G. Section 10.602~~ Controlled Uses.**

~~It is hereby recognized by the Township Board that controlled uses, as defined in this Ordinance, have serious and inherent objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances. The Board acknowledges the specific consequences that adult uses, and sexually oriented businesses have caused for the adjoining City of Ypsilanti, including lost business opportunities, increased costs for police services in the neighborhood of such uses, and significant financial costs associated with mitigation and removal of such blighting influences.~~

~~Controlled uses are hereby recognized as an impediment to stable growth and development and full implementation of the Growth Management Plan in the Township. Such uses create or exacerbate disruptive and deleterious conditions that impact adjacent properties; especially when constructed in proximity to other controlled uses, residential zoning districts, and public and other institutional uses. Special regulation of these uses is necessary to minimize adverse impacts on the public health, safety, and welfare of persons and property; and to ensure that such impacts will not cause or contribute to blighting conditions or downgrading of property values in the Township. Accordingly, it is the intent and purpose of Superior Charter Township to adopt reasonable regulations for controlled~~

~~uses. Operation or expansion of any controlled use, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following:~~

~~1. **Intent and Purpose.** The purpose and intent of this Section is to regulate the location and operation of certain adult businesses identified in this Section within the Township, and to minimize the negative secondary effects of such businesses. Based upon studies undertaken and reported by numerous other communities in Michigan and across the United States, which have been studied by the Township and found to have relevance and application to the Township, it is recognized that the adult businesses identified in this Section, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of such businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents.~~

~~The provisions of this Section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to these types of businesses and their products, or to deny such businesses access to their intended market. Neither is it the intent of this Section to legitimize activities that are prohibited by Township Ordinance or state or federal law. If any portion of this Section relating to the regulation of adult businesses is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Section relating to regulation of adult businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.~~

## ~~A~~2. **Controlled Uses Defined.**

The following uses are defined as "controlled uses" for the purposes of this Ordinance:

- ~~1.~~ a. Adult drive-in motion picture theater; adult motion picture theater; adult supply store; adult physical culture establishment; adult cabaret; or similar adult or sexually oriented business, as defined in Section ~~2.0~~ 2.0 (Definitions);
- ~~2.~~ b. Pawnshop or collateral loan and/or exchange establishment; and
- ~~3.~~ c. Specially designated distributor's establishment or specially designated merchant's establishment, as licensed by the Michigan Liquor Control Commission.

## ~~B~~3. **Application.**

Any person with a legal interest in a lot zoned for such uses may apply for a Controlled Use Permit, subject to the following:

1. a. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for a Controlled Use Permit.
2. b. Application shall be made by filing all completed forms and the required review fee and escrow deposit with the Township Clerk.
3. c. Submittal of preliminary and final site plans shall be required for establishment, expansion or alteration of a controlled use in accordance with the requirements of Article 8 (Site Plan Review).
4. d. The Township Clerk, upon receipt of all application materials, shall forward the materials to the Planning Commission.

#### **C4. Planning Commission Action**

The Planning Commission shall study the application and, within one hundred-eighty (180) calendar days after receipt of a complete and accurate application, shall approve, approve with conditions, or reject the application.

1. a. If the applicant has submitted a written request with the application for a Controlled Use Permit to waive one (1) or more requirements of Section 10.06 G. 5. (Restrictions on Location), then the Planning Commission shall hold a public hearing on the request in accordance with Section 3.11 (Public Hearing Procedures). Public notice signage shall be required in accordance with the requirements for a Conditional Use Permit application.
2. b. Planning Commission action on any request to waive one (1) or more requirements of Section 10.06 G. 5. (Restrictions on Location) shall be in accordance with the standards of Section 10.06 G. 7. (Waiver of Restrictions on Location).
3. c. Prior to the granting of approval for the establishment of any controlled use, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest.
4. d. The Planning Commission may require the applicant to submit a performance guarantee to the Township per Section 3.09 (Performance Guarantees) to ensure that such conditions will be fulfilled.

#### **D5. Restrictions On Use.**

The following use restrictions shall apply to controlled uses:

1. a. All controlled uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-tenant buildings shall not constitute a freestanding building.
2. b. No adult use or sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or

relating to specified sexual activities or specified anatomical areas from any road right-of-way or from any property not regulated as a controlled use. This provision shall apply to any display, decoration, sign, window or other opening.

#### **E6. Restrictions On Location.**

The following minimum separation distances shall be measured by a straight line between a point on the boundary of a zoning district listed below or a lot occupied by a use listed below nearest to the contemplated structure or contemplated location of the structure containing the controlled use:

- ~~a. No controlled use shall be located within one thousand (1,000) feet of any other controlled uses.~~
- ~~b. No controlled use shall be located within one thousand (1,000) feet of any institutional uses as defined in Section \_\_\_\_ (Definitions), child day care center, public park or playground.~~
- ~~c. No controlled use shall be located within five hundred (500) feet of the boundary of any Rural Residential or Urban Residential Districts or PC (Planned Community) Special District incorporating RESIDENTIAL USES.~~
- a. No adult business use may be located within one thousand (1,000) feet from the property line of another adult business use. For purposes of this subsection, the distance between any two (2) adult business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.
- b. No adult business use may be located within five hundred (500) feet from the property line of any residential zoning district, lot or parcel in residential use, school property, church or other place of worship, public park, childcare facility, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities. For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted, to the nearest property line of any lot or parcel in residential use, school property, church or place of worship, public park, child care facility, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities.
- c. No adult business use shall be located in any principal or accessory structure already containing an adult business use.

#### **F7. Waiver Of Restrictions On Location.**

Upon written request from the applicant submitted with the application for a Controlled Use Permit, the Planning Commission may waive or reduce one (1) or more

of the restrictions in Section ~~\_\_\_\_\_~~ 10.06 G. 6. (Restrictions on Location), subject to the following:

~~b.~~ a. \_\_\_\_\_ No waivers shall be given to permit a controlled use ~~to locate within one thousand (1,000) feet of any institutional uses as defined in Section \_\_\_\_\_ (Definitions), child day care center, public park or playground which does not comply with Section 10.06 G. 6.~~

~~e.b.~~ \_\_\_\_\_ A public hearing shall be held per Section ~~\_\_\_\_\_~~ 9.11 (Public Hearing Procedures).

~~d.c.~~ \_\_\_\_\_ To waive or reduce one (1) or more of the restrictions in Section ~~\_\_\_\_\_~~ 10.06 G. 6. (Restrictions on Location), the Planning Commission shall find that the following conditions exist:

~~(2)~~ (1) \_\_\_\_\_ The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing requirement will still be observed;

~~(3)~~(2) \_\_\_\_\_ The proposed use will not cause or exacerbate a deleterious impact upon adjacent areas through causing or encouraging blight, or disrupting normal development or use of land;

~~(4)~~(3) \_\_\_\_\_ The establishment of an additional controlled use at the proposed location will not be contrary to or interfere with implementation of the Growth Management Plan or any related improvement program or plan; and

~~(5)~~(4) \_\_\_\_\_ All other applicable Township regulations and state or federal laws will be observed.

### ~~H. Section 10-303~~ **Cemetery.**

Cemeteries and similar uses shall comply with all applicable federal, state and local laws and regulations, and shall be subject to the following:

1. The minimum gross lot area for any new cemetery shall be ten (10) acres.
2. All access shall be provided from a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. The cemetery shall be secured by a fence and screened from abutting Rural Residential and Urban Residential Districts or existing RESIDENTIAL USES per Section ~~\_\_\_\_\_~~ 12.03 (~~Landscaping, Screening and Land Use Buffers Methods of Screening~~).

4. Crypts, mausoleums, and other buildings containing human remains, other than a subterranean grave, shall be set back a minimum of one hundred (100) feet from lot boundaries.
5. Assembly. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking are
6. a.
7. Ingress and egress. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
8.
- 5.9. The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
- 6.10. A caretaker's residence shall be permitted accessory to a cemetery, subject to the requirements of Section 7.03 C. (Accessory Dwelling).
- 7.11. Establishment, expansion, and alteration of a cemetery shall be subject to site plan approval per Article  (Site Plan Review). A maintenance plan shall be submitted with the application for site plan approval, which shall include the following minimum information:
  - a. The entity responsible for long-term maintenance of the cemetery, and methods and anticipated funding sources for such maintenance.
  - b. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.

### **I.Section 10.304 Day Care Facilities.**

The following regulations shall apply to day care centers: The following regulations shall apply to group day care homes and day care centers, except licensed group day care homes that lawfully operated before March 30, 1989:

1. A safe means of drop-off and pick-up of children shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway;
2. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) children intended for maximum enrollment at the facility;

3. There shall be an outdoor play area of twelve hundred (1,200) square feet in area or fifty (50) square feet per child, whichever is greater. The play area shall not be located within a required front setback area. This requirement may be waived by the Planning Commission if public play area is available five hundred (500) feet from the subject parcel;

~~1.~~ In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.

~~2.~~ Group day care homes shall be located a minimum of one thousand five hundred (1,500) feet from the lot boundaries for any of the following facilities, as measured along public or private road rights-of-way between the nearest boundaries of the group day care home lot and the facility lot. The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved Conditional Use Permit for a group day care home:

~~(1)~~ Another licensed group day care home.

~~(2)~~ An adult foster care small group home, large group home or congregate care facility.

~~(3)~~ A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.

~~(4)~~ A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

3.4. All outdoor play areas for group day care homes and day care centers shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height that conforms to the requirements of Section \_\_\_\_ (Fence Regulations) and is capable of containing the children within the play area.

4.5. The group day care home premises shall be maintained consistent with the visible character of single-family dwellings.

(1) No signs shall be permitted for such uses, other than that permitted for a single-family dwelling in the zoning district.

(2) A group day-care home shall not require the modification of the dwelling exterior nor the location of playground equipment in the front yard.

5.6. The operation of a group day care home shall not exceed sixteen (16) hours during any twenty-four (24) hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

~~6.7.~~ One (1) off-street parking space shall be provided per non-resident employee of the group day care home, in addition to required parking for the dwelling.

~~7.8.~~ Construction, expansion, and alteration of such uses shall be subject to site plan approval per Article \_\_\_\_ (Site Plan Review).

~~8.9.~~ In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a Conditional Use Permit for a group day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions on an approved group day care home beyond those listed in this Section.

~~[amended 8/16/2010, Ord. 174-04; and amended 2/21/2017, Ord. No. 174-19]~~

### **J.Section 10.406 Drive-In or Drive-Through Facilities.**

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

1. ~~Adequate on-site~~ stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
  - a. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.
  - b. Projected peak-hour traffic volumes that will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
2. Each drive-through facility shall provide adequate stacking space meeting the following standards:
  - a. Each stacking lane shall be one (1) way, and each stacking lane space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
  - b. Each drive-through facility shall have an escape lane a minimum of ten (10) feet in width to allow other vehicles to pass those waiting to be served.
  - c. The number of stacking spaces per service lane shall be provided for the uses limited below. Each stacking space shall be computed at twenty (20) feet in length. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar

needs, as determined in the discretion of the Planning Commission, shall apply.

<u>Table _____</u>	
<u>Drive-Through Stacking Requirements</u>	
<u>Use</u>	<u>Stacking Space Per Service Lane/Stall</u>
<u>Banks, Pharmacy, Photo service, and Dry Cleaning</u>	<u>4</u>
<u>Restaurants with drive-through</u>	<u>10</u>
<u>Auto Washes (self service)</u>	
<u>Entry</u>	<u>4</u>
<u>Exit</u>	<u>2</u>
<u>Auto Washes (automatic/drive-through)</u>	
<u>Entry</u>	<u>6</u>
<u>Exit</u>	<u>2</u>
<u>Quick Oil Change</u>	<u>3</u>

~~2.3.~~ Such facilities shall be set back a minimum of one hundred (100) feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section ~~\_\_\_\_\_~~ 12.03 (Landscaping, Screening and Land Use Buffers Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

~~3.4.~~ Driveways serving a drive-in or drive-through facility shall be set back a minimum of one hundred (100) feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.

~~4.~~ A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.

5. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.

6. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
7. Menu boards may be installed and maintained for the drive-through facility, subject to the following:
  - a. Such signs shall be located on the interior of the lot and shall be shielded to minimize visibility from all road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed forty-eight (48) square feet.
  - b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.

### **K. Section 10.603 Extractive And Earth Removal Operations.**

#### 1. Purpose and Intent

- a. The purpose of this Section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provisions for the present and future health, safety and welfare of the residents of the Township. The development and utilization of mineral resources in the Township shall be subject to appropriate regulations of the Township and other agencies with jurisdiction.

Such regulations shall consider the conduct of the extractive and earth removal operation and the reuse of the site upon termination of the activity. It is the intent of this Section that parcels subject to the extractive and earth removal operations shall, upon termination of such operations, be reclaimed and rendered fully useful for one (1) or more of the uses permitted as principal uses within the various districts included in this Ordinance. Extractive and earth removal operations shall be subject to the following:

- b. It is also the intent of this Section to ensure that no very serious consequence would result from the extraction of valuable natural resources where they have been naturally deposited. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
- c. A person challenging a zoning decision under this Section has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and

that no very serious consequences would result from the extraction, by mining, of the natural resources.

- d. In determining under this Section whether very serious consequences would result from the extraction, by mining, of natural resources.
- e. In determining under this Section where very serious consequences would result from the extraction, by mining, or natural resources, the standards set forth in Silva v. Ada Township, 416 Mich. 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
  - (1) The relationship of extraction and associated activities with existing land uses.
  - (2) The impact on existing land uses in the vicinity of this property.
  - (3) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.
  - (4) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  - (5) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  - (6) The overall public interest in the extraction of the specific natural resources on the property.

**A2. Scope.**

**THE FOLLOWING TYPES OF EXTRACTIVE AND EARTH REMOVAL ACTIVITIES SHALL BE SUBJECT TO THE REGULATIONS OF THIS SECTION:**

- ~~1.~~ a. The removing or extracting of any soil, sand, peat, marl, clay, gravel, stone, or similar materials.
- ~~2.~~ b. The processing, storage, loading, and transportation of the above-mentioned materials.

The regulations of this Section shall apply in conjunction with the Township's Soil Removal and Deposit Ordinance (Ord. No. 147). Where the standards of this Section may conflict or overlap with Ordinance No. 147, the more restrictive standards shall govern. These regulations shall not affect excavation work for the construction of foundations for dwellings and other structures, roads, utilities, and related site improvements pursuant to the State Construction Code.

**B3. General Requirements.**

In addition to other requirements set forth in this Ordinance, the removal of soil, including topsoil, sand, gravel, stone, and other earth materials shall conform to all applicable federal, state, county, and local laws and regulations, and to the following requirements:

1. a. There shall be not more than one (1) entranceway from a public road to a parcel of land used for such operations for each six hundred-sixty (660) feet of frontage on a public road right-of-way. Entranceways shall be located not less than five hundred (500) feet from an intersection of two (2) or more public roads.
2. b. Such operations shall be permitted only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and between 8:00 a.m. and 12:00 noon on Saturday and Sunday.
3. c. No digging, stockpiling, excavating, or equipment storage and/or repairs shall take place closer than 100 feet from any lot line, and three hundred (300) feet from the boundary of any Rural Residential or Urban Residential Districts, and any Planned Community (PC) Special District incorporating Residential Uses. Stockpiles of stripped topsoil shall be seeded with grass or similar plant materials approved by the Planning Commission to prevent erosion onto other properties.
4. d. The operator shall be responsible for keeping all public roads upon which trucks haul materials to or from the premises in a condition at least equal to that which would have existed in the absence of the earth removal operations; to keep the roads free of dust or other windblown debris from the operations; and to clean any and all spillage of materials and dirt, rock, mud, and any other debris carried onto these roads by these trucks or other equipment.
5. e. Noise levels shall not exceed sixty (60) dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed seventy (70) dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties.
6. f. Such operations shall not be conducted so as to cause the pollution by any material of any surface or subsurface watercourse or body of water outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
7. g. Such operations shall not be conducted so as to cause or threaten to cause the erosion by water or wind of any land outside of the lot on which such use is located, or of any land on said lot in such manner that earth materials are carried outside of the lines of said lot. Such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal shall cease to be

conducted, it shall be the continuing responsibility of the owner(s) and operator(s) to ensure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation.

- 8. h. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from the boundary of any Rural Residential or Urban Residential Districts, and any Planned Community (PC) Special District incorporating Residential Uses. If the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification or to a PC Special District incorporating residential uses subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue but may not expand in intensity of use and in no case shall be less than one hundred (100) feet from any lot line adjacent to such zoning district.
- 9. i. A fence not less than six (6) feet high shall be erected around the area being excavated, which shall be adequate to prevent trespass.
- 10. j. Areas within an operation shall be rehabilitated progressively as they are worked out or abandoned. Such areas shall be improved to be completely hazard-free, and to appear natural and blend with the surrounding area.
- 11. k. Travel routes for trucks entering and leaving the operation shall not pass through residential areas, unless such travel routes are on paved primary roads.
- 12. l. Only equipment owned or leased by the operator of the operation and used in the operations of the facility shall be stored overnight or longer on the premises of the facility. Storage of other equipment on the premises shall be prohibited [amended 8/16/2010, Ord. 174-04].

#### **C4. Site Plan Requirements.**

At the time of the application for a Conditional Use Permit, the applicant shall submit a site plan for the use of the property during the excavation or earth removal operations. Such plan shall conform to the requirements of Article 8 (Site Plan Review) and shall include the following additional information:

- 1. a. Name and address of the person, firm, or corporation who or which will be conducting the actual removal operations.
- 2. b. Type of materials or resources to be removed or to be brought to the site.
- 3. c. An aerial photograph showing the subject property and adjacent areas, location and outline of trees, wooded areas, streams, marshes, ponds and other wetlands, and other natural features.

4. d. Clear indication of all natural features to remain and to be removed.
5. e. Existing topography at contour levels of two (2) feet.
6. f. Existing and proposed site improvements such as buildings, drives, wells, utility poles and towers, pipelines, and drain fields, showing location, outline, general dimensions, and distances between such improvements, with a clear indication of all improvements to remain and to be removed.
7. g. Extent of future earth removal areas and depth thereof.
8. h. Location and nature of structures and stationary equipment to be located on the site during earth removal operations.
9. i. Location and description of soil types.
10. j. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of earth removal operations.
11. k. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting, and washing operations and crushing, and the type, size, and nature of equipment to be used with each operation, and whether blasting or use of explosives is required or contemplated.
12. l. Location and width of drives, sight distances, and lane widening on public roads at intersections of same with drives.
13. m. Description of pollution and erosion control measures, including a dust control program that includes, at a minimum, the following:
  - a. (1) Paving, watering regularly, or treating with dust suppressant chemicals all roads, drives, parking areas, storage piles, and loading and unloading areas on the parcel so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
  - b. (2) Directing engine exhaust gases that are generated by the machine used on the piles for loading or unloading upwards;
  - c. (3) Covering open body trucks before they leave the site;
  - d. (4) Cleaning the wheels and body of trucks as needed to remove spilled materials after the truck has been loaded;
  - e. (4) Restricting the speed of vehicles used on site as necessary to minimize dust generation;
  - f. (5) Minimizing the drop distance from which the material is discharged into a pile or a truck; and
  - g. (6) Maintaining records adequate to demonstrate compliance with the approved dust control plan.

- 14. n. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site.
- 15. o. Map showing truck routes to and from the site.
- 16. p. Owner, use, and zoning classification of land uses and location(s) of adjacent buildings, drives, and road rights-of-way within five hundred (500) feet of the subject parcel(s).
- 17. q. General description of existing and proposed water, sewer or septic, and storm drainage systems.
- 18. r. Location and type of proposed screens and fences; height, typical elevation, and vertical section of screens and fences, showing materials and dimensions.
- 19. s. Location, type, direction, and intensity of outside lighting.

#### **D5. Restoration Plan Requirements.**

At the time of the application for Conditional Use Permit, the applicant shall submit a plan for restoring the site to a safe, attractive, and usable condition. The plan shall satisfy the requirements for a preliminary site plan per Article 8 (Site Plan Review), and shall include the following additional information:

- 1. a. Location and extent of all natural features to be retained during operations.
- 2. b. Contour lines at intervals of two (2) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines.
- 3. c. Schedule and areas of progressive rehabilitation.
- 4. d. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area.
- 5. e. Conceptual layout of proposed site improvements and a description of the proposed use(s) of the site when restored.
- 6. f. Description of methods and materials to be used in restoring the site.

#### **E6. Performance Guarantees.**

The applicant shall provide a performance guarantee in accordance with Section 3.09 (Performance Guarantees) to ensure restoration of the site. Such guarantee shall not be released until the Township Engineer certifies that restoration is complete, and until the Planning Commission accepts such certification as accurate. The performance guarantee may be

used by the Township to restore the site if the applicant does not fulfill the restoration requirements of the approved permit.

The applicant shall provide a bond, letter of credit, cash deposit, or other performance guarantee when required by the Planning Commission to maintain, repair, and replace public roads traversed by trucks associated with such operations. The performance guarantee shall be deposited with the Washtenaw County Road Commission in the form and amount required by the Road Commission and release shall be subject to joint approval by the Planning Commission and the Road Commission.

#### **F7. Expiration Of Extractive and Earth Removal Operation Approval.**

The applicant shall provide a date for completing earth removal operations, based upon the estimated volume of material to be extracted and average annual extraction rates.

1. **a.** Authorization allowing such operations shall expire on that date or such other reasonable date specified by the Planning Commission. Any extension of operations beyond that date shall require a new Conditional Use Permit.
2. **b.** The approved restoration plan, conditions of approval, and Conditional Use Permit for the restoration and re-use of the site shall remain in force and effect.
3. **c.** Preliminary site restoration shall begin immediately upon expiration of authorization for excavation or earth removal operations. Approval of a final site plan per Article ~~\_\_\_\_\_~~8 (Site Plan Review) shall be required for final redevelopment and re-use of the site.

#### **G8. Right Of Entry and Inspection.**

All extractive and earth removal operations are subject to inspection by the Zoning Inspector, Township Planner, Township Engineer, or other designated Township agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions within the operation. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

#### **L.Section 10.305 Funeral Parlor or Mortuary.**

Funeral parlors and mortuaries shall be subject to the following standards [crematoriums are an INDUSTRIAL, RESEARCH, AND LABORATORY USE as permitted in Article ~~\_\_\_\_\_~~Section 4.11 (Land Use Table)]:

1. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering areas shall be located

within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.

2. **Screening.** The service and loading area shall be screened from adjacent Rural Residential and Urban Residential Districts or existing RESIDENTIAL USES per Section ~~\_\_\_\_\_~~ 12.03 (Landscaping, Screening and Land Use Buffers Methods of Screening).
3. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, subject to the requirements of Section ~~\_\_\_\_\_~~ 7.03 A (Accessory Dwelling).

### **M.Section 10.306 -Institutional Uses.**

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities defined as institutional uses per Section ~~\_\_\_\_\_~~ 2.0 (Definitions):

1. **Height.** The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:
  - a. The building height shall be permitted to exceed the maximum height requirements of the district up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each foot of additional building height above the maximum.
  - b. The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding one hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.
2. **Frontage and access.** Institutional uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over five hundred (500) persons.
- ~~3.4.~~ Parking location. Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space.

**N. Section 10.501 Intensive Industrial Operations.**

Intensive industrial operations shall be subject to the following:

**A1. General Standards.**

Such uses shall comply with all standards of this Ordinance, the Township's utility and sewer ordinances, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.

**B2. Impact Assessment.**

The applicant shall submit an impact assessment with any plan submitted for review, which shall describe the expected impacts associated with the use and any mitigation measures to be employed. The assessment shall include the following minimum information and documentation:

~~b.~~ a. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.

~~c.~~ b. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.

~~d.~~ c. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.

~~e.~~ d. Description of all secondary containment measures, including design, construction materials and specifications, and security measures

~~f.~~ e. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use to the extent that the Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article ~~10.501~~ 9 (Conditional Uses).

**C3. Development Standards.**

Intensive industrial operations shall not be located within five hundred (500) feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES.

- b. ~~a.~~ This separation distance shall be measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the intensive industrial operation.
- ~~c.~~ ~~In accordance with Section \_\_\_\_\_ (Regulatory Flexibility) the Planning Commission may recommend, and the Township may authorize measurement of this separation distance to the near edge of the operation's development area within a larger parcel. The planned uses and/or method of open space preservation for land within the required separation distance shall be shown on the Planned Manufacturing (PM) district Area Plan for the project.~~
- b. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section ~~\_\_\_\_\_~~ 12.03 (Landscaping, Screening and Land Use Buffers Methods of Screening) [amended 8/16/2010, Ord. 174-04].

### **O. Section 10.307 Landscape Operations and Snowplow Businesses.**

Landscape maintenance and installation operations, snowplowing and removal businesses, and similar uses shall be subject to the following:

1. **Minimum lot area.** A minimum lot area of five (5) acres shall be required for landscape maintenance and installation operations, and snowplowing and removal businesses.
2. **Site plan approval.** Establishment, expansion or alteration of such businesses shall be subject to site plan approval per Article ~~\_\_\_\_\_~~ 8 (Site Plan Review).
3. **Use standards.** The use ~~shall may~~ be accessory to ~~and remain secondary to~~ a principal farm operation or single-family dwelling on the same parcel, and shall be subject to the following requirements:
  - a. Employees of the business not residing on the lot shall work primarily off-site.
  - b. The Planning Commission may limit hours of operation for the business to minimize impacts on adjacent residents and uses.
  - c. The character or appearance of the dwelling shall not change. The total floor area of the dwelling used for the business shall not exceed twenty percent (20%) of the dwelling's total floor area.
  - d. The business shall not generate vehicular traffic above that normally associated with similar agricultural operations in the Rural Districts.

- e. Such businesses may occupy all or part of any accessory buildings on the lot that conform to the minimum required yard setbacks for the zoning district, subject to Planning Commission approval.
4. **Outside storage.** Outdoor display or storage of equipment, vehicles, and materials shall be subject to the following:
  - a. A maximum of two (2) commercial trucks or similar vehicles may be parked outside, provided such vehicles are located outside of all road rights-of-way, required yard setback areas, and corner clearance areas. All other vehicles and equipment associated with the business shall be stored within a completely enclosed building.
  - b. Outside storage shall conform to the standards of Section ~~\_\_\_\_\_~~ [10.06 V](#) (Outside Storage, General).
5. **Screening.** To ensure compatibility between land uses, the Planning Commission may require screening of storage building(s), outside storage areas, and business vehicle parking area(s) occupied or intended to be used by the business from road rights-of-way and abutting parcels per Section ~~\_\_\_\_\_~~ [12.03](#) ([Landscaping, Screening and Land Use Buffers Methods of Screening](#)).
6. **Parking.** Parking of vehicles or other activity associated with the business shall be prohibited within road rights-of-way and the minimum required yard setbacks for the zoning district. Parking for the business shall be subject to Article ~~\_\_\_\_\_~~ [11](#) (Off-Street Parking and Loading Regulations).
7. **Nuisances.** No nuisance shall be generated by any heat, glare, noise, exterior lighting, smoke, vibration, noxious fumes, odors, vapors, gases, or chemicals at any time. No hazard of fire, explosion or radioactivity shall exist at any time.
8. **Fuel storage.** On-site fuel storage and handling shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

**~~P. Section 10-502~~ Material Recovery Facilities And Outdoor Storage, Dismantling Or Recycling Of Motor Or Recreational Vehicles, Boats, Machinery, Manufactured Houses Or Similar Items.**

Material recovery facilities, junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall conform to all applicable federal, state, county, and local laws and regulations and to the following requirements:

1. A site plan shall be provided at the time of the Conditional Use Permit application with the following information:

- a. All information required by Article ~~8~~8 (Site Plan Review);
  - b. A description of any materials processing, dismantling, and wrecking operations to be conducted within the facility; and of the location and nature of equipment for such operations, including any power-driven processing equipment; and
  - c. Travel routes within the Township for trucks entering and leaving the facility.
2. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited. Truck travel routes shall not pass through residential areas, unless such routes follow paved primary roads.
  3. Such facilities shall not be located on property contiguous to or across a road right-of-way from the boundary of any Rural, Rural Residential, or Urban Residential Districts.
  4. The facility, when established and located within five hundred (500) feet of the boundary of any Rural Residential or Urban Residential Districts, Planned Community (PC) special district incorporating Residential Uses, or boundary of a lot occupied by existing Residential Uses, as measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the facility, shall not be open for business and shall not be operated at any time other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, and between 8:00 a.m. and 12:00 noon on Saturday and Sunday [amended 8/16/2010, Ord. 174-04].
  5. The facility shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks.
    - a. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
    - b. Gates shall also be made of solid, opaque material.
    - c. A landscape strip shall be provided along the road right-of-way, and the remaining required yard areas shall be landscaped and maintained in good condition.
  6. Automobiles, trucks, and other vehicles or junk materials shall not be stacked higher than the top of the fence or wall surrounding the facility.
  7. All exterior storage of recyclable or recoverable materials, other than large vehicle components, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or

- palletized. No storage, excluding truck trailers, shall be visible above the height of the fence or wall.
8. Stored vehicles and materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety. The facility shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
  9. All flammable liquids shall be drained immediately from automobiles and other vehicles brought to the facility. Such liquids shall be stored in containers approved by the Township Fire Chief and promptly disposed of in accordance with applicable federal, state, county, and local regulations.
  10. The site shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.
  11. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission to minimize impacts of such operations on neighboring properties.
    - a. Such operations shall operate within a wholly enclosed building or within an area enclosed on all sides by a solid fence or wall not less than eight (8) feet in height.
    - b. Such operations shall be set back a minimum of one hundred-fifty (150) feet from any Rural Residential or Urban Residential Districts or existing RESIDENTIAL USES.
    - c. Material recovery facility processing operations shall be limited to baling, briquette, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.
  12. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
  13. There shall not be more than one (1) entranceway from each public road that adjoins the facility.
  14. Noise levels shall not exceed sixty (60) dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed seventy (70) dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities.

Exterior lighting shall conform to the standards of Section ~~\_\_\_\_\_~~[12.04](#) (Exterior Lighting).

15. Space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher.
16. Any containers provided for after-hours donations of recyclable materials at a material processing facility shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
  - a. Donation areas shall be kept free of litter and any other undesirable materials.
  - b. The containers shall be clearly marked to identify the type of material that may be deposited.
  - c. The facility shall display a notice stating that no material shall be left outside the containers.
17. Signs or other advertising materials shall not be placed on any fences or walls.

### ~~Q. Section 10.407~~ **Motion Picture Cinema.**

Indoor or outdoor motion picture cinemas shall be subject to the following:

#### **A. General Requirements.**

All indoor or outdoor motion picture cinemas shall conform to the following standards:

1. **Screening.** Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section ~~\_\_\_\_\_~~[12.03 \(Landscaping, Screening and Land Use Buffers Methods of Screening\)](#).
2. **Access.** Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over five hundred (500) persons.

**B. Additional Outdoor Cinema Requirements.**

All outdoor cinemas and drive-in theaters shall conform to the following:

1. A drive-in theater shall not be located adjacent to any Rural Residential or Urban Residential Districts.
2. All traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements between the site and the public road(s).
3. All points of entrance or exit for vehicles shall be located no closer than five hundred (500) feet from the intersection of any two (2) road rights-of-way.
4. Adequate stacking lanes shall be provided so that vehicles waiting to enter the theater will not occupy driving lanes, parking lanes, or road rights-of-way.
5. The facility shall be fully enclosed by a solid screen fence or wall at least six (6) feet high. Strips of metal, plastic, or other materials inserted into wire fences shall not constitute a solid, screen-type fence and shall not be permitted as a substitute for this requirement. Fences or walls shall be set back at least one hundred (100) feet from any road rights-of-way or front lot boundary.
6. Signs or other advertising material shall not be placed on any fences or walls in a manner visible from adjacent lots and road rights-of-way.
7. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

**R. ~~Section 10.408~~ Motor Vehicle Service Centers, Repair Stations, And Fueling Stations.**

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

**A. Use Standards.**

1. Motor vehicle service centers, repair stations, and fueling stations shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. The minimum lot area for such uses shall be one (1) acre, and the minimum lot width for such uses shall be one hundred-seventy-five (175) feet.
3. Sales, display or rental of motor vehicles shall be prohibited, except where the service center or repair station is accessory to a permitted dealership showroom or outdoor dealership sales lot.

4. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s), and all auto repair activities shall take place within a completely enclosed structure(s).
5. Open service bays and overhead doors shall not face towards any adjacent Rural Residential or Urban Residential Districts or RESIDENTIAL USES.
6. Display of temporary signs shall be prohibited where such signs are attached to the pump island canopy, light poles or similar structures.
7. Outdoor sales or display areas shall ~~limited~~ ~~be limited~~ to areas identified on an approved final site ~~plan, and plan and~~ shall conform to the requirements of Section ~~10.06 U.~~ (Outdoor Sales and Display Areas).
8. Required parking shall be calculated separately for each use, including any accessory convenience store or other permitted COMMERCIAL USES. Such calculations shall be based upon the floor area occupied by each use.

#### B. Pollution Prevention.

In addition to the requirements contained in Article ~~8~~ 8 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

#### C. Fueling Station Pump Islands.

In addition to the requirements contained in Article ~~8~~ 8 (Site Plan Review), the preliminary site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures (see "Pump Island Canopy Lighting" illustration).

~~1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission.~~

~~2.1. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of twenty (20.0) footcandles for lighting under the canopy as part of site plan~~

~~approval, provided that site lighting is otherwise shall be~~ in compliance with Section ~~12.04~~ (Exterior Lighting).

2. The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with fueling/multi-use:

**Table 11.34.A-1**

<u>Setback</u>	<u>Canopy Support (feet)</u>	<u>Pump Islands (feet)</u>	<u>Canopy Edge (feet)</u>
<u>Front</u>	<u>35</u>	<u>30</u>	<u>25</u>
<u>Side</u>	<u>20</u>	<u>20</u>	<u>10</u>
<u>Rear</u>	<u>30</u>	<u>20</u>	<u>20</u>

3. Fueling areas site arrangement. All fueling areas shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.

4. Canopy structures. Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless it can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

5. Pedestrian and vehicular safety. Vehicle fueling/multi-use stations shall be designed in a manner which promotes pedestrian and vehicular safety. The parking and circulation system within each development shall accommodate the safe movement of vehicles, bicycles, pedestrians and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.

~~3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.~~

4.6. The location of gasoline storage and sales shall be reviewed by the Township Fire Department for compliance with the National Fire Prevention Code.

**D. Vehicle Access.**

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, or traffic generated by other buildings or uses.

1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
2. The maximum width of any driveway at the right-of-way line shall be thirty-five (35) feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than forty-five (45) degrees.
3. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
4. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

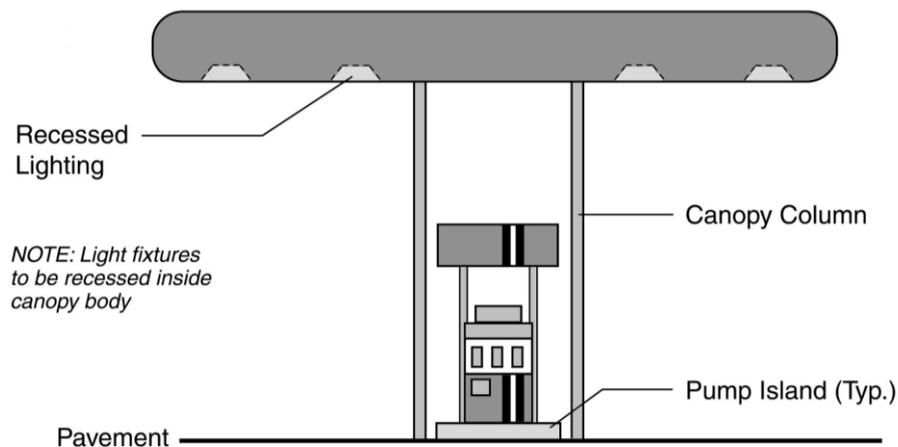
**E. ~~Incidental Outdoor Storage.~~**

~~Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than thirty (30) calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.~~

1. Outdoor storage. Dismantled, wrecked, or inoperable vehicles awaiting repair shall not be stored outdoors for a period exceeding five days. Outdoor storage shall be enclosed by an opaque fence up to eight feet in height and/or landscape screening meeting the standards set forth in Article 12.
2. Disposal containers. Suitable containers shall be provided and used for disposal of used parts, and such containers shall be screened from view.
3. Enclosed buildings. All repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities, shall be performed entirely within an enclosed building.
4. Retail sales limitations. Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.
5. \_\_\_\_\_

- ~~1.6.~~ Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section ~~12.01~~ (Trash Storage and Disposal Standards).
- ~~2.7.~~ All outdoor storage shall be reviewed and approved by the Township Fire Department for compliance with the National Fire Prevention Code.
- ~~3.~~ ~~Such storage shall not occur in front of the front building line.~~
- ~~4.8.~~ Such inoperative vehicles shall not be sold or advertised for sale on the premises.
- ~~5.9.~~ Outdoor storage shall be prohibited accessory to a motor vehicle fueling station, unless separate approval has been granted for a vehicle repair use.

### ILLUSTRATION



### Pump Island Canopy Lighting

## **S. SECTION 10.409 OUTDOOR CAFÉS AND EATING AREAS.**

Outdoor seating and/or service when associated with a restaurant shall be subject to the following requirements:

1. The site plan shall indicate the location and amount of proposed outdoor seating. Screening shall be required per Section ~~12.03~~ (~~Landscaping, Screening and Land Use Buffers Methods of Screening~~) where seating is located in a required yard. The maximum allowable seating for an outdoor seating area shall be established as part of the Conditional Use Permit.
2. Parking shall be provided as required per Article ~~11~~ (Off-Street Parking and Loading Regulations).

3. The outdoor café shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.
4. Exterior lighting for the outdoor café shall not constitute a nuisance or hazard to adjoining lots and uses.
5. Broadcasting of music or any other amplified sound shall be prohibited.
6. Additional signs shall not be permitted beyond those allowed for the principal use.
7. Approval of the Washtenaw County Environmental Health Division shall be obtained as required.

### **I, Section 10.410 Outdoor Sales Or Display Areas.**

Open air businesses and outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

1. **Location.**—The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved final site plan. No sales activity or display of merchandise shall be permitted in any road right-of-way or required yard setback.
2. **Setbacks.**—Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive. No outdoor sales area shall be located within fifty (50) feet of any Rural Residential or Urban Residential Districts or RESIDENTIAL USES.
3. **Broadcasting devices prohibited.**—Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
4. **Hours of operation.**—Where the use abuts any Rural Residential or Urban Residential Districts, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 6:00 p.m. on Saturday and Sunday.
5. **Exterior lighting and signs.**—Exterior lighting shall conform to the standards of Section 12.04 (Exterior Lighting). Additional signs shall not be permitted beyond those permitted for the principal use.
6. **Pedestrian access.**—The proposed activity shall be located and designed so as to ensure safe pedestrian access.
7. **Grading, surfacing, and drainage.**—Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard surfaced with concrete or

bituminous material, and shall be graded and drained so as to effectively dispose of or retain stormwater runoff.

8. **Screening.**—Such sales or display area shall be screened from adjacent Rural, Rural Residential, and Urban Residential Districts in accordance with Section ~~\_\_\_\_\_ (Methods of Screening)~~. 12.03 (Landscaping, Screening and Land Use Buffers).

~~U. SECTION 10.503~~ **Outdoor promotional activities.**

1. Days and hours. The event can only be carried on for a period not exceeding four consecutive days and only between the hours of 7:00 a.m. and 10:00 p.m.
2. Permits allowed in calendar year. In any calendar year, no more than five permits for such events may be approved for a particular business establishment.
3. Parking location. Parking for such activity is provided on same site.
4. Temporary structures. The total number, size, and location of tents or other temporary structures shall be subject to the review and approval of the Zoning Administrator based on factors, such as the size and overall layout of the site, the street frontage, and the design and occupancy of the building.
5. Total area. The total square footage dedicated to the outdoor promotional activity cannot exceed 10% of the lot area.
6. Setbacks. Outdoor display and sale of merchandise is conducted at least 100 feet from any premises used or zoned for residential purposes.
7. Traffic control. The event does not occupy or utilize the street right-of-way nor block traffic movement on the street, and allows pedestrians to utilize the sidewalks.
8. Sanitation facilities. Available sanitation facilities are adequate to meet the requirements of the expected attendance, and any temporary facilities are approved for use by the Washtenaw County Health Department.
9. Fire or other hazards. Equipment and products used in the event pose no unusual fire or other hazard.
10. Nuisance. The use of any sound system shall be controlled so as not to become a nuisance to adjacent properties.
11. Application rejections. The Zoning Administrator may reject such applications for cause, including, but not limited to, the advice of the Department of Public Safety or the Township Engineer.

## Outdoor Storage, General.

Outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies or similar Items shall be subject to the following:

1. Such storage shall be strictly and clearly incidental to the principal use, and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under the subsection.
- ~~1.2.~~ The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks.
  - a. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
  - b. Gates shall also be made of solid, opaque material.
  - c. A landscape strip shall be provided along the road right-of-way, and the remaining required yard areas shall be landscaped and maintained in good condition.
- ~~2.3.~~ The site shall be screened from all road rights-of-way and abutting uses in accordance with Section ~~\_\_\_\_\_~~ 12.03 (Landscaping, Screening and Land Use Buffers Methods of Screening).
- ~~3.4.~~ **Use standards.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located. No storage shall be permitted in any required setback areas.
  - a. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent lots or rights-of-way.
  - b. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material and shall include an approved stormwater management system.
  - c. No materials shall be stored above the height of the required wall or fence.
  - d. Storage or disposal of used oil or other petrochemicals, junk vehicles, garbage, or similar materials to be dismantled or recycled shall be prohibited.

**V. ~~Section 10.308~~ Private Recreational Facilities.**

Private parks and recreational facilities including, but not limited to private parks, country clubs, golf courses, golf driving ranges, sportsman's clubs and other privately-owned recreational facilities, shall be subject to the following:

**A1. General Requirements.**

The following general standards shall apply to all private recreational facilities:

- ~~b.~~ **a.** Such uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
- ~~e.b.~~ The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses. The hours of operation of any private recreational facilities shall be subject to Planning Commission approval.
- ~~d.c.~~ Accessory food service operations and/or sales of recreation equipment shall be permitted, subject to the following:
  - ~~a.~~ **(1)** Such accessory uses shall be clearly incidental to and subordinate to the principal private recreational use(s).
  - ~~b.~~ **(2)** Such accessory uses shall be limited to hours of operation that coincide with those of the principal private recreational use(s).
- ~~e.d.~~ Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Article ~~8~~ **8** (Site Plan Review).

**B2. Sportsman's Clubs and Ranges.**

The following additional standards shall apply to all sportsman's clubs, shooting ranges, and similar uses, except private hunting activities:

- ~~b.~~ **a. ~~Minimum land area.~~** Such facilities shall be located on a parcel of land not less than forty (40) acres in gross lot area.
- ~~e.b.~~ **~~Security fencing and signage.~~** Such facilities shall be secured by perimeter fencing with a minimum height of six (6) feet and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than one hundred (100) feet apart.
- ~~d.c.~~ **~~Compliance with standards.~~** Design and operation of such facility shall be in accordance with applicable state and federal laws and

regulations, and current National Rifle Association specifications and practices.

~~e.d.~~ **Indoor ranges.**—Indoor firearms ranges shall be insulated with sound dampening materials and shall be set back a minimum of five hundred (500) feet from all lot boundaries.

~~f.e.~~ **Outdoor ranges.**—Outdoor firearms ranges shall be surrounded by berms or other suitable containment and noise dampening measures and set back a minimum of one thousand-five hundred (1,500) feet from all lot boundaries.

~~g.f.~~ **Noise impacts.**—All facilities shall be designed to contain projectiles within the site, and to minimize noise impacts on surrounding properties and uses.

### **~~C3.~~ Golf Course and Driving Ranges.**

The following requirements shall apply to all golf courses and driving ranges, in addition to the general standards above:

~~b.~~ **a.** Golf driving ranges shall be prohibited in the Rural Residential and Urban Residential Districts.

~~c.b.~~ A maintenance plan shall be submitted with the application for site plan approval for a new or expanded golf course, which shall include the following minimum information:

~~(2)~~ **(1)** The entity responsible for long-term maintenance of the facility, and methods and anticipated funding sources for such maintenance.

~~(3)~~**(2)** Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.

~~d.c.~~ Structures associated with such uses shall be set back a minimum of one hundred (100) feet from lot boundaries that abut Rural Residential or Urban Residential Districts or existing RESIDENTIAL USES.

~~e.d.~~ The facility shall be designed and maintained to contain golf balls and other course activities within the site.

~~(2)~~**(1)** The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.

~~(3)~~(2) The site plan shall include illustration of expected ball trajectories and dispersion patterns along fairways and for driving ranges located within five hundred (500) feet of a building, parking lot, lot boundary or road right-of-way.

### **W.Section 10.504 Self-Storage Warehouses.**

The following regulations shall apply to self-storage ~~warehouses~~facilities:

1. The minimum lot area for ~~mini-self storage warehouses~~facilities shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet.
2. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. A front yard setback of no less than fifty (50) feet shall be maintained ~~in-as~~ landscaped open space. Side yard setbacks shall be no less than twenty-five (25) feet and rear yard setbacks shall be no less than forty (40) feet.
4. The minimum distance between self-storage buildings shall be twenty-five (25) feet.
5. All areas intended for vehicular travel shall be paved with asphalt or concrete, as approved by the Planning Commission.
6. Exterior façade walls of all storage units shall be of decorative masonry construction or similar material approved by the Planning Commission.
7. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment may be permitted as an accessory use, subject to the following:
  - a. Such storage shall be incidental to the main use of enclosed storage.
  - b. Outdoor storage of such vehicles and equipment shall be located to the rear of the lot and completely screened from road rights-of-way and abutting properties per Section ~~12.03~~ 12.03 (Landscaping, Screening and Land Use Buffers Methods of Screening).
  - c. All such recreational vehicles and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.
8. Self-storage warehouses shall be visually screened from all road rights-of-way and abutting uses in accordance with Section ~~12.03~~ 12.03 (Landscaping, Screening and Land Use Buffers Methods of Screening).

9. A caretaker's residence may be provided within the principal building as an accessory dwelling in accordance with Section ~~\_\_\_\_\_~~ 7.03 C. (Accessory Dwelling).

### ~~X.~~ **Section 10.411 Showroom For Display Or Sale Of Products.**

Showrooms or sales and display areas for sales of products or services created by the principal business or operation shall be limited to a maximum of ten percent (10%) of the usable floor area occupied by the principal use.

### **Section 10.309 Therapeutic Massage.**

All massage therapy clinics and massage therapists working in the Township shall be licensed where such licenses are available and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township. All activities that meet the definition of a controlled use or sexually oriented business shall be prohibited.

### ~~Z.~~ **Section 10.604 Utility Transmission and Distribution Lines.**

Electricity transmission and distribution lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
2. No personnel shall be quartered or employed on the premises.
3. Structures or buildings shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district.

### **BB Wireless Communication Facilities.**

1. The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:
  - a. Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;
  - b. Require collocation of transmission and receiving apparatus and antennae on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;

- c. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;
- d. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;
- e. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;
- f. Require wireless communication towers and antennae to be configured in a way that minimizes adverse visual impacts, through careful design, siting, landscape screening, and innovative camouflaging techniques;
- g. Establish consistent review procedures and information requirements for construction, alteration, and enlargement of wireless communication facilities; and
- h. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as amateur radio antennae, satellite dish antennae, and collocation of additional antennae on an existing, approved wireless communications tower.

**2. Type of Review Required.**

Wireless communications facilities shall be subject to review and approval in accordance with the following table:

<u>Type of Wireless Communications Facility</u>	<u>Required Review and Approval</u>		
	<u>Conditiona l Use Approval</u>	<u>Certificate of Zoning Complianc e</u>	<u>Exempt</u>
<b><u>NEW TOWERS AND ANTENNAE</u></b>			
<u>Construction of a new wireless communication tower or ground equipment enclosure area for a tower.</u>	●		
<u>Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.</u>	●		
<u>Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.</u>		●	
<b><u>COLLOCATION ON EXISTING TOWERS</u></b>			
<u>Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater. <b>Also see Section 10.05 BB 3. d. (Special Provisions for Review of Certain Alterations and Collocations).</b></u>	●		

<b>Type of Wireless Communications Facility</b>	<b>Required Review and Approval</b>		
	<b>Conditional Use Approval</b>	<b>Certificate of Zoning Compliance</b>	<b>Exempt</b>
<u>Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.</u>		●	
<u>Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. <b>Also see Section . (Special Provisions for Review of Certain Alterations and Collocations).</b></u>	●		
<u>Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.</u>		●	
<u>Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater. <b>Also see Section . (Special Provisions for Review of Certain Alterations and Collocations).</b></u>	●		
<u>Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.</u>		●	
<u>Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.</u>		●	
<u>Installation of new ground equipment within an approved ground equipment building or enclosure.</u>		●	
<b>SATELLITE DISH ANTENNAE</b>			
<u>Installation of a satellite dish antenna with a diameter one and one-half (1.5) meters or larger.</u>		●	
<u>Installation of a satellite dish antenna with a diameter less than one and one-half (1.5) meters.</u>			●
<b>AMATEUR RADIO ANTENNAE</b>			
<u>Installation of an amateur radio transmission and reception antenna or antenna structure.</u>		●	
<u>Installation of a citizen band radio base station antenna structure, contractor’s business antenna structure, television reception antenna or wireless Internet antenna for personal use, or similar facility exceeding fourteen (14) feet in height.</u>		●	

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Installation of short-wave facilities, amateur radio reception-only antenna, television reception antenna or wireless Internet antenna for personal use, or similar facility up to a maximum height of fourteen (14) feet.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●
<b>OTHER PROJECTS</b>			
Repair or service of existing wireless communications facilities, provided that all work complies with applicable regulations and approved plans.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

- a. **Exempt facilities.** Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities exempt from review per Section (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.
- b. **Facilities subject to Zoning Inspector approval.** Facilities subject to certificate of zoning compliance approval shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and Section 3.02 (Certificates of Zoning Compliance).

**3. Conditional Use Permit.**

Wireless communications facilities subject to conditional use approval per Section 10.06 CC. 2. (Type of Review Required) shall require review and approval of a Conditional Use Permit by the Planning Commission, subject to the standards of this Section and Article 9 (Conditional Uses).

- a. **Limitation on review fees.** Per Section 3514 of the Michigan Zoning Enabling Act, fees required for a Conditional Use Permit application shall not exceed the Township’s actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- b. **14-day time limit to determine eligibility and completeness.** Per Section 3514 of the Michigan Zoning Enabling Act, the Clerk shall immediately transmit a copy of any application materials and plans filed in accordance with this Section for a Conditional Use Permit to the Township Planner to determine whether the application is administratively complete.

- (1) The Township Planner shall transmit a written response to the Clerk and the applicant within fourteen (14) business days stating either that the application is administratively complete or listing the specific information needed for a complete application.
  - (2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the fourteen (14) business day period.
- c. **90-day time limit on Planning Commission action.** For any Conditional Use Permit application not subject to the additional requirements of Section 10.05 BB. 3.d (Special Provisions for Review of Certain Alterations and Collocations) below, the Planning Commission shall complete its review and take final action within ninety (90) calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this ninety (90) calendar day period.
- d. **Special provisions for review of certain alterations and collocations.** Per Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to Conditional Use Permit approval and referencing this subsection shall be modified as follows:
- (1) 60-day time limit on Planning Commission action. The Planning Commission shall complete its review and take final action on the application within sixty (60) calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this time period.
  - (2) Limitation on conditions of approval. Planning Commission authority to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to:

    - (a) Verify compliance with the applicable requirements of this Ordinance; or
    - (b) Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation [amended 12/16/2013, Ord. 174-14].
- e. **Modifications to an approved Conditional Use Permit.** The following changes to an existing wireless communication facility for which a valid Conditional Use Permit was previously approved shall be subject to review and approval as a modification to the approved Permit:

- (1) Alteration or enlargement of an existing wireless communication tower; or
- (2) Expansion of an approved ground equipment enclosure area.
- f. **New Conditional Use Permit required.** All other wireless communication facilities subject to Conditional Use Permit approval shall require review and approval of a new Permit by the Planning Commission.
- g. **Information required.** In addition to any information required by Article \_\_\_\_\_ (Conditional Uses), applicants for a Conditional Use Permit for a wireless communication facility shall submit the following information:

  - (1) **Site inventory.** Each applicant shall provide an inventory of the existing towers, antennae, or sites approved for towers or antennae that are either within Superior Charter Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, and the following:

    - (a) The separation distance between the proposed wireless communication facility and other structures shown on the site inventory. The applicant shall also identify the type of construction and owner(s)/operator(s) of existing towers, if known.
    - (b) A description of the feasible location(s) of future wireless communication facilities proposed or anticipated by the applicant within the Township, based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
    - (c) The Growth Management Plan classification of the site and all properties within the on the site inventory area.

Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennae within Superior Charter Township. The sharing of such information shall not constitute a representation or warrant by the Township that such sites are available or suitable.
  - (2) **Site plan.** A preliminary and a final site plan shall be submitted that include the following minimum required information, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section:

    - (a) All applicable information required for preliminary and final site plan approval per Article 8 (Site Plan Review).
    - (b) The location, type and height of the proposed tower; on-site and abutting land uses and zoning, including across road rights-of-way; adjacent roadways and proposed means of

access; on-site topography and parking; setbacks from property lines; and elevation drawings of the proposed tower and any other structures.

- (c) A maintenance plan to ensure long term, continuous maintenance to a reasonably prudent standard, and any applicable maintenance agreement identifying who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
  - (d) Legal description of the parent tract and leased parcel (if applicable).
  - (e) Setback distances between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
  - (f) Fencing and screening details, proposed methods of camouflage where applicable, and details of any tower illumination.
  - (g) A landscape plan showing the specific sizes, species, amounts, and planting details for proposed landscape materials.
- (3) Removal agreement.** The applicant shall submit a signed and notarized removal agreement for the future removal of the facility in accordance with Section 10.06 BB.10 (Cessation of Operation). The applicant shall submit an estimate for the cost of removal of the facility and restoration of the site, certified by a licensed professional engineer and verified by the Township Engineer.
- (4) Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of the requested information, the Assessor shall provide notice to the Planning Commission that this condition has been satisfied.
- (5) Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of such franchises shall be filed with the Township.
- (6) Collocation information.** A notarized statement by the applicant indicating whether the proposed tower will accommodate collocation of additional antennae for future users.
- (7) Additional required information.**
- (a) Identification of the entities providing the backhaul network for the tower(s) described in the application and other sites owned or operated by the applicant in the Township.

- (b) 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 proposed wireless communication services.
- (c) Technical analyses setting forth the minimum height necessary for reasonable communication by the applicant and evaluating alternative designs that may require fewer towers and/or lower tower heights.
- (d) 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.

**(8) Conditions of approval.** In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article \_\_\_\_\_ (Conditional Uses). The Planning Commission may also require that a performance guarantee be posted with the Township as a condition of Conditional Use Permit approval, subject to the following:

- (a) The purpose of this guarantee is to ensure the facility's future removal and site restoration if the owner or operator fails to do so as required by Section 10.06 BB.10 (Cessation of Operation).
- (b) (b)The security shall be in the form of: cash, surety bond, or letter of credit, together with a written and notarized agreement in the form approved by the Township providing for the future removal of the facility.
- (c) The security shall be in an amount equal to the greater of \$5,000 or the cost estimate for removal of the facility and restoration of the site, as certified by a licensed professional engineer and verified by the Township Engineer.

**(9) Factors to consider in granting a Conditional Use Permit.** In addition to any standards for consideration of Conditional Use Permit applications contained in Article 9 (Conditional Uses), the Planning Commission shall consider the following factors in determining whether to issue a Conditional Use Permit. The Planning Commission may waive or reduce one (1) or more of these criteria upon determination that the purposes of this Section are better served thereby:

- (a) Height of the proposed tower.

- (b) Proximity of the tower to residential structures and residential district boundaries.
- (c) Nature of uses on adjacent and nearby properties.
- (d) Surrounding topography.
- (e) Surrounding tree coverage and foliage.
- (f) Design of the tower and ground equipment enclosure area, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (g) Proposed ingress and egress.
- (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

**(10) Availability of suitable existing towers, other structures, or alternative technology.** No new tower shall be permitted unless the applicant demonstrates 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(e). An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology.

The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna(e) may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area that meet the 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 the applicant's proposed antenna and related equipment.
- (d) The applicant's proposed antenna(e) would cause electromagnetic interference with antennae on existing towers or structures, or the antennae on existing towers or structures would cause interference with the applicant's proposed antenna(e).

- (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. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures 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 low-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.

### **3. General Regulations.**

All wireless communication facilities shall be subject to the following regulations:

- a. **Grounded.** Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
- b. **Wind load.** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
- c. **State and federal regulations.** All wireless communication facilities shall meet or exceed applicable federal and state regulations and standards, subject to the following:
  - (1) If more restrictive federal or state regulations or standards are adopted in the future, then the facility owner or operator shall bring the facility into compliance with such revised standards and regulations within one hundred eighty (180) calendar days of their effective date, unless a different compliance schedule is mandated by the controlling state or federal agency.
  - (2) If, upon inspection, the Township determines that a facility constitutes a danger to persons or property, then the facility owner or operator shall have thirty (30) calendar days from the date of receipt of such notice from the Township to remove the facility or bring it into compliance with applicable standards.
  - (3) Failure to take such action as required shall be considered a violation of this Ordinance and shall constitute grounds for the facility's removal at the owner's expense. The facility owner and operator shall be responsible for all costs for testing and compliance verification.

- d. **Franchises.** Owners or operators of wireless communication facilities shall certify that all franchises required by law for the construction or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the Township.
- e. **Engineering certification.** Any civil, mechanical or structural engineering information supplied by the applicant shall be certified by a licensed professional engineer.
- f. **Not essential services.** Structures 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.
- g. **Signage.** The wireless communication facility shall not be used for advertising purposes and shall contain no signs except a permitted nameplate and as otherwise required by the Federal Aviation Administration (FAA).
- h. **Climb prevention.** All wireless communication towers and antenna structures shall be protected by anti-climbing devices, such as security fences or anti-climbing devices. Anchor points for guy wires or anchoring points shall be enclosed by a fence or shall be located within the confines of a yard that is completely fenced.

#### **4. Standards for Wireless Communication Towers.**

Wireless communication towers shall be subject to the following:

- a. **Permitted zoning districts.** Wireless communications towers shall only be permitted on parcels in the A-1 (Agricultural), A-2 (Agricultural), R-1 (Single-Family Residential), R-2 (Single-Family Residential), PC (Planned Community), MS (Medical Services), PM (Planned Manufacturing), and PSP (Public/Semi-Public Services) Districts.
- b. **Collocation.** The applicant shall submit evidence that there are no reasonable and suitable alternatives for location of equipment on an existing tower within the service area of the proposed tower.
- c. **Location.** A tower shall have a minimum setback from all property boundaries equal to the height of the tower. Guys and accessory buildings shall satisfy minimum zoning district dimensional standards.
  - (1) No tower shall be located within two (2) miles of another commercial communication unless it can be demonstrated by the applicant that there is a need for an additional wireless communication tower.
    - (a) The Planning Commission shall make the determination of necessity based on the technical requirements of the tower, the service needs of the Township residents, and other factors as may be appropriate on a case-by-case basis.



- g. **Height.** Structures shall not exceed one hundred-eighty (180) feet in height, as measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antennae.
- h. **Design.** The design of the tower, antennae, ground equipment building(s) and enclosure shall use, to the maximum extent possible, materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (1) The area of the proposed ground equipment enclosure shall be the minimum necessary to accommodate all proposed and planned future users of the facility.
  - (2) The antennae shall be painted to match the exterior treatment of the tower.
  - (3) The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the facility.
  - (4) Advertising, signs, and identification intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
  - (5) Metal structures shall be constructed of or treated with corrosive-resistant material.
- i. **Fencing and screening.** The tower and ground equipment enclosure shall be secured by fencing a minimum of six (6) feet in height. The ground equipment enclosure area and fencing shall be screened with a dense evergreen screen per Section 12.03 (Landscaping, Screening and Land Use Buffers) along each side of such fencing and building.
- (1) The screening shall be maintained in good condition at all times so as to continue its effectiveness.
  - (2) Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.
  - (3) The Planning Commission may waive the screening requirements of this subsection where natural growth around the property perimeter may provide sufficient buffer, such as facilities sited on large, wooded lots.
- j. **Employees.** No employees shall be located on the site on a permanent basis to service or maintain the tower or antennae. Occasional or temporary repair and service activities are excluded from this restriction.

## **5. Standards for Antennae Located on Principal Buildings and Accessory Structures.**

Antennae shall be permitted on principal buildings or accessory structures in any zoning district, subject to approval per Section 10.06 BB.2 (Type of Review Required) and the following standards:

- a. The antenna and support structure shall not extend into any required yard setback areas and shall not exceed the structure height by more than ten (10) feet.
- b. The antennae, supporting structure, and electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the principal building or accessory structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- c. The antenna and support structure shall not be illuminated, unless required by the FAA or other agency with jurisdiction.
- d. Such antenna shall be securely attached and anchored to the structure. Structural improvements needed to support the added weight of the antenna and support structure shall conform to State Construction Code standards.
- e. All accessory ground equipment shall be located within the building or structure, except where otherwise permitted as part of a Conditional Use Permit approval.

## **6. Standards for Satellite Dish Antennae.**

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section \_\_\_\_\_ (Type of Review Required) and the following standards:

- a. Such antennae shall be accessory to a principal building on the same lot and shall be located in the rear yard area.
- b. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
- c. One (1) satellite dish antenna shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where the antenna is located.
- d. Construction and placement of satellite dish antennae shall meet manufacturers' specifications and shall conform to the State Construction Code and all applicable electrical and fire codes.
- e. Satellite dish antennae with a diameter of one and one-half (1.5) meters or larger and located within one hundred (100) feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not

to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

## **7. Standards for Amateur Radio Antennae.**

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section \_\_\_\_\_ (Type of Review Required) and the following standards:

- a. Such antennae shall be accessory to a principal building on the same lot and shall be located in the rear yard area.
- b. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
- c. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of sixty (60) feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
- d. For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

## **8. Existing Wireless Communications Facilities.**

Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval. Collocation of additional antennae on such existing towers shall be permitted in accordance with the requirements of this Section and Ordinance.

## **9. Rescinding Approval.**

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required performance guarantee or insurance certificates, provide information to the Township about the facility as required by this Section, or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- a. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section \_\_\_\_\_ (Public Hearing Procedures), at which time the owner or operator of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.

- b. Determination. Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

## **10. Cessation of Operation.**

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than three hundred sixty-five (365) contiguous days, or that has been determined by the Township to be abandoned, subject to the following:

- a. Such facilities shall be removed within ninety (90) calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within ninety (90) calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.
- b. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
- c. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of forty-eight (48) inches, and the land re-graded and restored to the original grade prior to the removal.
- d. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.
- e. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.

Any wireless communication facility that is not operated for a continuous period of three hundred sixty-five (365) calendar days shall be deemed abandoned.

## **AGRICULTURAL PROCESSING AND FOOD STORAGE.**

### **1. Application of regulations:**

- a. Administrative review.

(1) Buildings and structures used, in whole or in part, for agricultural processing or food storage that meet the following area thresholds

shall be reviewed administratively. The thresholds qualifying these uses for administrative review include:

- i. Agricultural processing uses where the use occupies an area 2,000 square feet or less.
- ii. Agricultural food storage uses where the use occupies an area 5,000 square feet or less.

(2) The building/structure area applies whether the subject building is existing, new, and/or an addition to an existing building.

(3) Administrative review process. The administrative review process shall be conducted as follows:

- i. A property survey, drawn to scale with dimensions, and showing property lines and all structures and other improvements shall be submitted to the Township with an application for zoning compliance.
- ii. The Zoning Administrator shall review the application and supporting materials, using the standards of this section and other applicable provisions of this chapter. The Zoning Administrator shall provide approval or denial within 135 days from the date the complete application is submitted. If the application is denied, the Zoning Administrator shall notify the applicant in writing of such action and reasons for such rejection.

b. **Site plan review.** Buildings and structures used, in whole or in part, for agricultural processing or food storage that exceed the area thresholds for administrative review shall be subject to the provisions of Article 8, Site Plan Review, and reviewed by the Planning Commission.

## **2. Standards.**

- a. **Locally/regionally grown materials.** Raw agricultural products processed and/or stored at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than 100 miles from the facility.
- b. **Setbacks.** Facilities used for agricultural processing and/or food storage shall be set back a minimum of 100 feet from any adjacent residential structure.
- c. **Parking.** Parking areas and surfaces shall be adequate to accommodate anticipated traffic and vehicles on-site. No parking or maneuvering lanes shall be permitted within any road right-of-way.

d. Hours of operation. The facility shall not create a nuisance to nearby property owners, and shall operate any time between the hours of 7:00 a.m. and 7:00 p.m.

e. Other permits. All other required permits shall be obtained.

### **FIREARM RETAIL SALES.**

1. **Purpose.** The purpose and intent of this section is to regulate firearm retail sales, to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of firearm retail sales within the Township because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones.
  - a. Application of regulations.
    - i. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment or firearm retail sales as an accessory use operation in any location in the Township, except as provided for in this section.
2. **Conditions of approval.** The Planning Commission may recommend that the Township Board impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of firearm retail sales, as shall, in its judgment, considering the standards set forth in Article 9 of this chapter, be necessary for the protection of the public health, safety, welfare, and interest, except that any conditions imposed on any firearm retail sales as defined in this section shall be limited to those conditions necessary to assure compliance with the standards and requirements of Firearm Standards. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of a firearm retail sales business shall be fulfilled.
3. **Standards.**
  - a. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment within 500 feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) of any of the following:
    - i. A place of worship.

- ii. A school or child-care facility.
  - iii. A public park (not including public trails).
  - iv. Any residential zoning district or any parcel used for residential purposes.
- b. It shall be unlawful to cause or permit the operation of a firearm retail sales establishment within 1,000 feet of another firearm retail sales establishment. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.
  - c. It shall be unlawful to cause or permit the operation or maintenance of more than one firearm retail sales establishment in the same building, structure, or portion thereof.
  - d. All off-street parking areas and entry door areas of firearm retail sales establishments shall be illuminated from dusk until the closing time of the business with a lighting system that provides an average maintained horizontal illumination of one footcandle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
  - e. Any firearm retail sales establishment shall be subject to all the applicable requirements of this chapter.
  - f. A firearm retail sales establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, child-care facility, public park, residential district, or a residential lot within 500 feet of the firearm retail sales establishment. However, if the firearm retail sales establishment ceases operation for a period of 180 days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with the Superior Charter Township Ordinances.
  - g. No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.
  - h. A firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.

## **OPEN AIR BUSINESS.**

1. **Outdoor display and sales.** Outdoor display and sales are subject to the following standards and conditions:
  - a. Outdoor display and sales that is the principal use of the property is permitted as a conditional use in the C-2, General Commercial District, subject to the approval of the Planning Commission in accordance with Article 9.
  - b. An outdoor display and sales that is as an accessory use to the principal use conducted on the premises is permitted within the C-2, General Commercial District, obtaining a zoning compliance permit from the Zoning Administrator. In the administration of these provisions, the Zoning Administrator may refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
  - c. The exterior of the premises shall be kept clean, orderly, and maintained.
  - d. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.
  - e. The location of the outdoor display shall meet all required setbacks, and shall be approved by the Zoning Administrator.
  - f. An outdoor display shall not occupy or obstruct the use of any fire lane, roadway, drive aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this chapter.
  - g. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Article 12.
  - h. Only those products that are sold or are similar to the products sold within the principal building on the same lot may be permitted to be sold or displayed outdoors.
2. **Seasonal sales.** The outside sale of seasonal items, such as Christmas trees, flowers and plants, pumpkins, and other such seasonal items that are grown shall require a permit from the Zoning Administrator subject to the following standards and conditions:

- a. Seasonal sales may be located within any required side or rear yard and shall be no closer to a public road right-of-way than the required front yard setback or existing building, whichever is less. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Article 12 shall also be provided.
- b. Seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this chapter.
- c. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.
- d. Such sales shall be permitted for a period not to exceed 90 days.
- e. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

### **ARTISAN FOOD AND BEVERAGE PRODUCTION.**

1. Retail sales. Retail sales of the product produced on-site are allowed. If to be consumed off-site, the product must be in the original packaging. The product may also be sold and served on-site, and accessory retail sales of related items are permitted.
2. Wholesale. No more than 50% of the product may be produced for sale to a wholesaler and at least 50% of the product must be sold for retail use, to be consumed either on- or off-site.
3. Enclosed buildings. All equipment used in the production and all products produced must be located within the principal building.
4. Nuisance. The production process shall not produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

## **SECTION 10.400**

### **COMMERCIAL USES**

#### **Section 10.401 Accessory COMMERCIAL USES. [Note – moved to Sec. 7.03]**

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. — Such businesses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building or employees of the principal use(s), and not for the use of the general public.
2. — No signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. — In the Planned Community (PC), Medical Services (MS), and Planned Manufacturing (PM) Special Districts, such uses shall be located either in a building containing the permitted principal use that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping.
4. — In all other zoning districts where accessory COMMERCIAL USES are permitted, such uses shall be located in a building containing the permitted principal use that will be served.

#### **Section 10.412 Temporary Outdoor Sales. [Note – moved to Sec. 7.04]**

Such sales shall be accessory to the principal use and permanent business on the premises:

1. — No part of such sales operation shall be located within any road right-of-way or corner clearance area.
2. — Temporary outdoor sales shall not be located within a required yard setback, landscape strip or transition buffer, except as permitted within an existing parking lot or developed area of a nonconforming site with the approval of the Zoning Inspector.
3. — The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.
4. — Merchandise, equipment, and materials used in or resulting from such sales shall be removed from the premises within three (3) days of termination of the sale.
5. — Temporary outdoor sales accessory to a business operation shall not exceed a maximum of thirty (30) days per calendar year. Where multiple businesses

~~occupy a single building or zoning lot (such as in a shopping center), such sales shall not exceed a maximum total for all businesses of sixty (60) days per calendar year.~~

- ~~6. To inform the Township of specific sales dates during a particular calendar year, the property or business owner shall apply for administrative approval per Section \_\_\_\_ (Certificates of Zoning Compliance).~~
- ~~7. The Zoning Inspector may require a cash bond of two hundred fifty dollars (\$250) to be provided to the Township prior to the start of an approved sale to guarantee site clean-up.~~
- ~~8. Temporary outdoor sales shall comply with all applicable requirements of this Ordinance and other Township ordinances, such as noise restrictions, exterior lighting standards, etc. [amended 4/1/2011, Ord. 174-05].~~

## **SECTION 10.500**

### **INDUSTRIAL, RESEARCH, AND LABORATORY USES**

## **SECTION 10.600**

### **OTHER USES**

#### **~~Section 10.605 – Volatile Farm-Based Bio-Fuel Production.~~ [Note – moved to Sec. 10.100]**

~~In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:~~

#### **~~A. General Standards.~~**

~~The following standards shall apply to all such facilities:~~

- ~~a. The biofuel production facility shall be accessory to and located on the same zoning lot as an active farm operation lawfully operating in the Township.~~
- ~~b. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and biodiesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.~~
- ~~c. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article \_\_\_\_ (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of one hundred (100) feet from all lot boundaries and road rights-of-way.~~

~~d. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.~~

~~e. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Inspector documentation of all necessary permits and approvals from applicable federal, state, and local authorities with jurisdiction over any of the following:~~

~~(2) Air pollution emissions.~~

~~(3) Transportation of biofuel or another product or by-product of production.~~

~~(4) Use or reuse of additional products resulting from biofuel production.~~

~~(5) Storage of raw materials, fuel or additional products used in or resulting from biofuel production.~~

~~(6) Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.~~

~~(7) Compliance with federal requirements associated with ethanol production of more than ten thousand (10,000) proof gallons annually.~~

~~f. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.~~

~~g. The operator of a facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel operating as a permitted use in the zoning district (without Conditional Use Permit approval) shall also provide an annual written report to the Zoning Inspector which demonstrates that:~~

~~(2) At least seventy five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and~~

~~(3) At least seventy five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.~~

~~Operation of a biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons that does not conform to the percentage limitations of this subsection shall be subject to Conditional Use Permit approval in accordance with this Section and Ordinance.~~

**~~B. Additional Standards For Certain Facilities.~~**

~~In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to biofuel production facilities with an annual production capacity of more than one hundred thousand (100,000) gallons of biofuel, and to any biofuel production facility subject to Conditional Use Permit approval in accordance with this Section or Ordinance:~~

- ~~a. Such facilities shall be limited to a maximum annual biofuel production capacity of not more than five hundred thousand (500,000) gallons.~~
- ~~b. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
  - ~~(2) A detailed description of the process to be used to produce the biofuel.~~
  - ~~(3) The number of gallons of biofuel anticipated to be produced annually.~~
  - ~~(4) An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.~~
  - ~~(5) Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.~~~~

**~~C. Limitations On Special Use Permit Review.~~**

~~Per Section 3513 of the Michigan Zoning Enabling Act, Township review of a Conditional Use Permit application for a biofuel production facility shall be modified as follows:~~

- ~~1. **60-day time limit for a public hearing.** For any Conditional Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section \_\_\_\_\_ (Public Hearing Procedures) within sixty (60) calendar days after the filing date of a complete and accurate application.~~

~~The application shall be deemed to have been rejected as incomplete if no public hearing is held within this sixty (60) calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section \_\_\_\_\_ (Re-Application).~~

~~**Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section [amended 12/16/2013, Ord. 174-14]~~

~~f. \_\_\_\_\_~~

2. \_\_\_\_\_

Effective Date: August 14, 2008

Article 1917  
Legal Status Provisions Amendments

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## ARTICLE 14

### SIGNS

#### Section 14.01 Purpose.

~~The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a lot or building in the Township. The purpose of this article is to regulate the location, size, construction, and manner of display of signs in order to minimize their harmful effects on the public health, safety and welfare.~~ The Township further finds that reasonable use of signage promotes commerce in the Township. However, unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the Township would unduly distract or endanger motorists and pedestrians; cause the deterioration of business or residential areas; obstruct vision; negatively impact property values; and reduce the effectiveness of both business signage and signs needed to direct and warn the public.

The following municipal interests are considered by the Township to be compelling government interests. Each interest is intended to be achieved under this article in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events is intended to promote an important government interest that would not be effectively achieved absent the regulations in this article. Regulating the location, size, construction, and manner of display of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding unsafe and nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; property identification for emergency response and wayfinding purposes; and unique character of areas of the Township.

#### (1) Public safety.

##### (a) Purpose.

[1] Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the Township, with particular emphasis on the safety of pedestrians. The safety path and sidewalk networks provide facilities for pedestrians situated between vehicular roads and private properties throughout the

Township. In areas of the Township without sidewalks or safety paths, pedestrians typically travel along the edges of roadways.

[2] Since most signage on the private properties is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions that can jeopardize traffic and pedestrian safety, this article is intended to regulate signs so as to reduce such distractions and, in turn, reduce the risk of crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in the districts identified in this article.

[3] This article is also intended to protect public safety by requiring signs that are poorly maintained and/or structurally unsafe to be repaired or removed to protect against fallen signs or deteriorating sign debris from entering improved roadways, sidewalks and safety paths and causing dangerous conditions for vehicular traffic and pedestrians.

(b) The Township encourages signage that will inform motorists and pedestrians of their desired destinations without conflicting with other structures and improvements. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.

(c) In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on commercial/business thoroughfares.

(d) In multitenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of road frontage, and the like, all intending to provide clarity to alleviate confusion and thus additional traffic maneuvers, provide a minimum size of characters to allow identification, and maintain maximum-sized overall signage to prevent line-of-sight issues.

(e) Maximize size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.

(2) Character and quality of life. Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the Township. This article intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the Township's character and support neighborhood stability. Signs that contribute to the visual clutter, contribute to the potential conflict between vehicular and pedestrian traffic, and distract from scenic resources and views will be prohibited in efforts to preserve the character, aesthetic qualities and unique experience within the Township. It is also the intent of this article that signs will reflect the character of unique districts as may be established by the Township's Master Plan, other adopted plans, or this article and other parts of this chapter.

(3) Economic development and property values. The establishment of the restrictions in this article has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.

(4) Avoidance of nuisance-like conditions. Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the Township. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character and quality of life in the Township. Ultimately, these regulations are compelling and important for the protection of all police power values.

(a) An excessive number of signs in one location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, establishing setbacks from property lines, and requiring reasonable spacing between signs are compelling interests that can be pursued with minimum regulation.

(b) Signs that are too large can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes can be the subject of clear and effective regulations that address this compelling and important interest.

(c) Requiring maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures.

(d) There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. The selection of proper fixture type(s) and location, use of supportive lighting technology, and control of light levels in a reasonable fashion is consistent with regulations that are narrowly tailored to achieve the Township's interests.

(5) Property identification for emergency response and wayfinding purposes. Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.

(6) Maintaining unique character of areas of the Township. Acknowledge the unique character of certain areas and districts, and establishing special time, place, and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas/districts.

(7) Protection of the right to receive and convey messages. The important governmental interests and regulations contained in this article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve nonspeech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages protected by the First Amendment of the United States Constitution. It is the intent of this Article that all signs be designed, constructed, and maintained in a manner appropriate in appearance with the intended character of their vicinity so as not to adversely affect the intended character of the zoning district where the sign is located. The provisions of this Article shall be considered to be the minimum necessary to meet the intent and purposes of this Article and Ordinance, and to promote and protect the public health, safety, comfort, morals, and convenience. The further purposes of this Article are to:

1. Encourage free expression of ideas and dissemination of messages in accordance with applicable law, using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
2. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
3. Permit such signs as will not, by reason of their size, location, or manner of display, endanger public health or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety.
4. Minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
5. Require timely removal of temporary, damaged, and unsafe signs.
6. Prohibit certain signs which, due to their size, design or placement, have a detrimental impact on the character of their surroundings or the appearance of the Township.

~~7. Seek the removal of unlawful and abandoned signs and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.~~

## Section 14.02 General Standards.

The following general standards shall apply to signs in all zoning districts:

### A. Compliance Required.

1. Signs erected, altered, and maintained in the Township shall conform to the standards of this Article. In no case shall any sign exceed the maximum sign height and sign area standards that apply to the type of sign, or an equivalent sign regulated by this Article.

### B. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
3. **Sign area.** Measurements of permitted sign area shall be in accordance with the following standards:
  - a. The surface area of a sign shall include the total area within a regular geometric figure (circle, triangle, rectangle or square) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached (see illustration).
  - b. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.
  - c. Where two (2) sign faces with identical sign areas are placed back-to-back no more than eighteen (18) inches apart, then the sign area shall equal the area of one (1) face.
  - d. Where two (2) sign faces with different sign areas are placed back-to-back no more than eighteen (18) inches apart, then the sign area shall equal the area of the larger face.

- e. Where two (2) sign faces are placed more than eighteen (18) inches apart at any point, then the sign area shall equal the total area of all sign faces.
  - f. Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.
4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).
- a. **Signable area for multi-tenant buildings.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
  - b. **Signable area for buildings on corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Article (e.g. - A building that faces two (2) road rights-of-way shall have two (2) signable areas).

### C. Construction and Maintenance.

All signs shall be constructed or installed in compliance with the State Construction Code and other applicable building, fire, and electrical codes; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. All signs shall be of sturdy construction to withstand normal natural elements and shall be properly maintained at all times.

1. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.
2. All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over or in front of the sign structure.
3. Building-mounted and ground signs shall be maintained with all necessary structural and decorative components, including supports, sign frames, and electrical equipment. Signs that are in a ripped or worn condition shall be classified as damaged signs for the purposes of this Article. All electrical wiring associated with a freestanding sign shall be installed underground.
4. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination. Signs with damaged, incomplete or missing sign copy areas or non-functional or damaged illumination elements shall be classified as damaged signs for the purposes of this Article.

5. All permanent signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.

4.6. All signs attached to a structure shall be designed so that the supporting framework, other than the supporting elements on a freestanding sign, is contained within or behind the face of the sign or within the building to which the sign is attached so as to be totally screened from view.

#### **D. Placement Requirements.**

The following placement standards shall apply to all signs:

1. No sign may extend above any parapet or be placed upon, cantilevered over or otherwise suspended above or on any roof surface. For purposes of this Article, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
2. No sign attached to a building, other than a permitted awning or projecting sign, shall project more than one (1) foot from the building wall.
3. Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where specifically authorized by this Article. This restriction shall include any future planned rights-of-way, as defined by the master transportation plans for the Township, or county or state road authorities.
4. All signs shall be set back at least ten (10) feet horizontal distance from any utility pole, overhead wire, transformer or streetlight.

#### **E. Hazards and Obstructions.**

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.

#### **F. Use.**

All signs shall be accessory to the principal use of the lot where the sign is located and shall not impair the use of adjacent properties. ~~Any sign permitted by this Article may contain a non-commercial message.~~

#### **G. Illumination.**

Internal and external sign illumination shall be permitted, subject to the following:

1. **External sign illumination.** Where permitted under this Article, external illumination of signs shall be subject to the following:

- a. The light source(s) shall be fully shielded to prevent upward illumination or glare, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration); and
  - b. The light source(s) shall be arranged and shaded so as not to project onto the public right-of-way and interfere with traffic or project onto adjacent property.
2. **Internal sign illumination.** Where permitted under this Article, internal illumination of signs shall be subject to the following:
- a. The sign faces shall be more than fifty percent (50%) covered by semi-opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration).
  - b. Sign illumination intensity shall not exceed three (3) footcandles as measured ten (10) feet from the sign.
  - c. Internal illumination of signs accessory to Rural Uses and Residential Uses shall be prohibited.

3. **Other Limitations.**

- a. Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type which have a changing light intensity, brightness, or color, or which are so constructed and operating as to create an appearance of writing or printing. Illumination involving searchlights, strings of lights or movements of lights or other devices shall be prohibited.
  - b. Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window.
- 3-c. The backlighting of awnings and signs is prohibited.

**H. Changeable Copy Area.**

A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed fifty percent (50%) of the total sign area.

**I. Animated Copy Prohibited.**

To minimize visual distractions and hazards for motorists, pedestrians, and property; animated copy, as defined in Section \_\_\_\_\_ Article 2 (Definitions), shall be prohibited as part of any sign allowed under this Ordinance.

### Section 14.03 Signs Allowed Without a Certificate.

The following signs are exempt from Section ~~\_\_\_\_\_~~3.02 (Certificates of Zoning Compliance for Signs) requirements and shall be permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable standards of this Article:

#### A. Off-Site Seasonal Signs.

~~Seasonal signs accessory to a~~An active farm operation in the Township that sells agricultural goods or products grown or produced and sold on the farm operation site shall be permitted off-site temporary signs on other private lands located in any Rural, Rural Residential or Business District with the permission of the property owner and subject to the following:

1. Such signs shall not exceed thirty-six (36) square feet in area per sign, and no more than four (4) off-site signs shall be permitted per farm.
2. Such signs shall be set back a minimum of ten (10) feet from all road rights-of-way, and a minimum of five hundred (500) feet from the centerlines of the intersection of two (2) or more roads.
3. A maximum of two (2) such signs shall be permitted at any road intersection.
4. Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within seven (7) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.

#### B. Temporary Signs Within Road Rights-of-Way.

Temporary signs proposed to be located within or over road rights-of-way, including street banners or signs associated with a public event or festival, shall be subject to Township Board approval. The Township Board may establish policies for the display and removal of such signs and may require payment of an inspection fee or performance guarantee to ensure timely removal. Placement in the right-of-way shall be consistent with Washtenaw County Road Commission requirements.

~~and removal of such signs and may require payment of an inspection fee or performance guarantee to ensure timely removal.~~ Placement in the right-of-way shall be consistent with Washtenaw County Road Commission requirements.

#### C. Address Numbers and Nameplate.

All principal buildings shall display their assigned address number in a manner legible from the road right-of-way. In addition, one (1) nameplate wallplate shall be permitted per principal building to provide for the further identification of the building, use or communication of a message by the occupants. The nameplate wallplate shall not exceed four (4) square-feet in area and shall be attached flat against the building wall.

**D. ~~Construction Signs.~~**

~~Temporary construction signs on active construction sites, shall be subject to the following:~~

<del>Standards</del>	<del>Construction Signs</del>
<del>Maximum number of permitted signs</del>	<del>One (1) sign per road frontage of the zoning lot.</del>
<del>Minimum required setbacks</del>	<del>Outside of any road rights-of-way and ten (10) feet from the edge of pavement for any internal access drive.</del>
<del>Maximum sign area</del>	<del>Twenty-four (24.0) square feet</del>
<del>Maximum sign height</del>	<del>Six (6.0) feet</del>
<del>Method of illumination</del>	<del>External light sources only.</del>
<del>Display period</del>	<del>The sign shall not be erected prior to final site plan or final preliminary plat approval and shall be removed within fourteen (14) calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.</del>

**E. Directional signs.**

1. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line and shall not exceed six square feet in area for each sign and four feet in height.
  
2. A directional sign may bear the logo of a business for which it directs entering and exiting traffic if it is the determination of the Zoning Administrator that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.

~~F. Garage, yard, and estate sales. Garage sale, yard, and estate sale signs in residential zoning districts, provided that such signs:~~

~~— Are not attached to utility poles;~~

~~— Do not exceed six square feet in area; a maximum of three feet in height.~~

~~— Are erected no more than three days before and are removed within one business day after the announced sale.~~

~~Temporary directional signs, not exceeding three square feet in area and three feet in height, shall be permitted on approach routes to a private garage, yard, or estate sale, for a period not to exceed 72 hours. Said signs shall contain the address and dates of the sale and shall be removed within four hours of the end of the sale.~~

**G. Other Temporary Signs.**

Temporary signs not otherwise provided for in this Section shall be subject to the following:

1. General regulations.

a. It is the intent of these regulations to minimize the proliferation of temporary signs in the Township.

b. Temporary signs shall not be illuminated

c. Unless otherwise specified, all temporary signs shall be located on the premises they are intended to serve.

2. Permits required. All permitted temporary signs that are 12 square feet or greater, except those signs where additional sign area is permitted during the time frame and conditions specified in this section, shall require a permit from the Zoning Administrator. Banners meeting the requirements of this section shall require a permit from the Zoning Administrator.

1.3. **Maximum height and sign area.** Such temporary signs shall be permitted in accordance with the following table of standards for maximum permitted height and total sign area per lot:

Zoning District Name	Maximum Sign Area for All Signs	Minimum Setback	Maximum Sign Height
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Zoning District Name		Maximum Sign Area for All Signs	Minimum Setback	Maximum Sign Height
Rural District	AR	<del>36.0</del> 18.0 square feet	5	6.0 feet
Residential Districts	R-2 and R-6	18.0 square feet	5	6.0 feet
Business Districts	LD, C-1, C-2, and I-1	24.0 square feet	15	6.0 feet
Other District	PSP	24.0 square feet	15	6.0 feet

**2.4. Removal.** Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within seven (7) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.

**3.5. Right-of-way.** Such temporary signs shall be located outside of all road rights-of-way.

**4.6. Damaged or unsafe temporary signs.** The owner, agent or person responsible for creating or placing the sign on the lot shall immediately remove such signs determined by the Zoning Administrator to be in a damaged or unsafe condition. Failure to remove a sign in such condition shall be considered a violation of this Ordinance.

**5.7. Additional standards for portable signs.** The following additional requirements shall apply to portable signs (see illustration - also referred to as "sandwich board" signs): [Note: Given the limited amount of commercial area, is this section necessary?]

- a. Portable signs shall only be permitted accessory to principal Commercial Uses within the LD (Lake District) zoning district, [Note: No such district.] as specified in Article \_\_\_\_ (Land Use Table).
- b. Portable signs shall be constructed of plastic, metal or similar weather-resistant materials, and shall be maintained in a neat and orderly condition. Use of plywood, cardboard or paper shall be prohibited.
- c. A maximum of one (1) portable sign shall be permitted per lot or parcel.
- d. Portable signs shall not exceed five (5) feet in height, three (3) feet in width, and fifteen (15) square feet in sign area per sign face.
- e. Such signs shall be located outside of all road rights-of-way and shall be set back a minimum of ten (10) feet from the curbline or pavement edge of any roadway.
- f. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian movement or visibility.

- g. Portable signs shall only be displayed during regular business hours for the use.

#### **FH. Other Signs and Sign-Related Activities.**

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning, normal maintenance, and minor repairs of an existing sign, provided that the approved design is not altered, and all work is in compliance with applicable Ordinance requirements.
2. One (1) window sign accessory to a principal non-residential use not exceeding four (4) square-feet in area and may be illuminated. Additional window signs may be permitted in accordance with Section ~~\_\_\_\_\_~~ 14.05 (Building Mounted Signs).
3. ~~Memorial~~ sSigns, tablets, or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials and are located flat on the façade wall of a building.
4. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization; and pennants installed by the Township on or over public roads.
5. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.
6. Traffic safety and control and similar signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utilities, hazards, and precautions.
7. Signs on the interior of a building not legible from the building exterior, and other incidental signs not visible from public road rights-of-way.
8. Changes to sign copy within an approved changeable copy area.
9. Signs required per Section ~~\_\_\_\_\_~~ 3.11 (Public Hearing Procedures).
10. Incidental signs carried by or affixed to clothing worn by persons; and incidental signs on vehicles, trailers, and similar transitory devices that are in motion or associated with and regularly used in the course of conducting the principal use located on the premises.
11. Signs not exceeding one square foot in area mounted to a wall, mailbox, or lamppost, located on single family residential lots only. ~~bearing only property~~

numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connections.

12. Legal notices, identification, information, or directional sign erected, or required by governmental bodies.

~~10-13.~~ Integral decorative or architectural features of building, except letters, trademarks, moving parts, moving lights, or backlit areas.

**Section 14.04 Signs Allowed with a Certificate.**

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a Certificate of Zoning Compliance in accordance with Section 3.02 (Certificates of Zoning Compliance for Signs):

**A. Construction Signs.**

Temporary signs on active construction sites, shall be subject to the following:

<u>Standards</u>	<u>Construction Signs</u>
<u>Maximum number of permitted signs</u>	<u>One (1) sign per road frontage of the zoning lot.</u>
<u>Minimum required setbacks</u>	<u>Outside of any road rights-of-way and ten (10) feet from the edge of pavement for any internal access drive.</u>
<u>Maximum sign area</u>	<u>Twenty-four (24.0) square feet</u>
<u>Maximum sign height</u>	<u>Six (6.0) feet</u>
<u>Method of illumination</u>	<u>External light sources only.</u>
<u>Display period</u>	<u>The sign shall not be erected prior to final site plan or final preliminary plat approval and shall be removed within fourteen (14) calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.</u>

**B. Site Entry Features with Signage.**

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business campus, subject to the following (see illustration):

1. Site entry features may consist of walls, columns, gates, and similar design elements, and may be located within required yard setback areas. Site entry features shall be located outside of any road rights-of-way and a minimum of ten (10) feet from the edge of pavement for any internal access drive.

2. The Planning Commission shall have approved the location, design, and maintenance provisions for the site entry features as part of final site plan approval. Site entry features proposed to be added to an existing site shall be subject to Planning Commission approval of an amended final site plan.
3. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement, and shall conform to the requirements of Section 7.10 (Corner Clearance Zones).
4. A maximum of one (1) sign shall be permitted on a site entry features per side of a road entrance from a public road classified as a primary roadway by the master transportation plans of the Township, or county or state road authorities, subject to the following:

Standards	Site Entry Features with Signage
Maximum sign area	28.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only.

**B. Multi-Tenant Building Directory.**

Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-tenant office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following (see illustration):

1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade.
2. The maximum sign area shall not exceed three percent (3%) of the signable area of the building.
3. Illumination of such signs shall be limited to external light sources.

**Section 14.05 Building-Mounted Signs.**

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township. The following standards shall apply to building-mounted signs in any zoning district:

Standards	Type of Permitted Signs			
	Wall	Awning	Projecting	Window
Permit required?	yes	yes	yes	no

Standards	Type of Permitted Signs			
	Wall	Awning	Projecting	Window
Internal or external illumination permitted?	yes	yes	yes	no
Maximum number of sign faces per building-mounted sign	one (1)	one (1)	<del>one</del> -two (2±)	one (1)
Minimum sign height <u>clearance</u>	none	7.5 feet	8.0 feet	none
Maximum permitted sign area of all building-mounted signs	10% of signable area of the building space occupied by the use		<u>24 square feet per face</u>	10% of the street level window surface area
<b>Number</b>	<u>One wall, awning, or projecting sign per building or per tenant if a multiple tenant building. One additional wall, awning or projecting sign is permitted for a building/tenant space that fronts on two rights-of-ways or drive-aisles.</u>			<u>One per building or tenant if a multiple tenant building. One additional window sign is permitted for a building that fronts on two rights-of-ways or drive-aisles</u>

- Certificate approval.** Approval of a Certificate of Zoning Compliance per Section ~~3.02~~ (Certificates of Zoning Compliance for Signs) shall be required to erect, alter or relocate a wall or awning sign in the Township.
- Window signs.** Window signs shall be restricted to interior window surfaces. A Certificate of Zoning Compliance shall not be required for permitted window signs under this Section.
- Location.** All building-mounted signs shall be located entirely within the street level façade(s).
- Rear public entrance sign.** One (1) additional building-mounted sign not exceeding four (4) square feet in an area shall be permitted for each rear public entrance. This sign area shall be in addition to the building-mounted sign area otherwise permitted under this Section.
- Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
- Awning signs.** Awning signs shall be restricted to the surface area of the awning’s valance, which is the band of material hanging perpendicular to the ground (see illustration). Awning materials for an internally illuminated awning sign shall be opaque, except for any permitted sign area.

7. **Residential uses.** Building-mounted signs shall be prohibited accessory to RESIDENTIAL USES in any zoning district.
8. **Projecting signs.** Projecting signs shall be further subject to the following (see illustration):
  - a. Such signs shall project from the wall at an angle of ninety (90) degrees.
  - b. A maximum of one (1) projecting sign shall be permitted per use, ~~with a maximum sign area of twenty four (24) square feet per sign face.~~
  - c. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces.
  - d. Projecting signs may extend out from the building wall a maximum of five (5) feet and shall be pinned away from the building wall at least six (6) inches.
  - e. No part of the sign extends into or over a road right-of-way.

**Section 14.06 Ground Signs.**

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township, and to minimize the proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists or create traffic hazards or visual blight within the Township. The following shall apply to ground signs accessory to non-residential uses in any zoning district:

**A. Ground Sign Standards.**

Maximum Ground-Sign Height	Minimum Sign-Setback from Buildings and Road Rights-of-Way	Maximum Sign Area per Ground Sign	Maximum Number of Ground Signs per Zoning Lot
10 feet	equal to actual sign height	36 square feet	1

District(s)	Max Sign Height	Min. Sign Setback	Max. Sign Area/Sign	Max. No. of Signs
R-C, A-1, A-2, or OSP	6	6	18	1
R-1 or R-2	6	6	24	1

<u>R-3, R-4, R-6 or R-7</u>	<u>8</u>	<u>8</u>	<u>24</u>	<u>1</u>
<u>C-1, C-2, O-1, PC, NSC, MS or PM</u>	<u>10</u>	<u>10</u>	<u>36</u>	<u>1</u>
<u>PSP or VC</u>	<u>8</u>	<u>8</u>	<u>28</u>	<u>1</u>

1. Approval of a Certificate of Zoning Compliance per Section ~~\_\_\_\_\_~~3.02 (Certificates of Zoning Compliance for Signs) shall be required to erect, alter or relocate a ground sign in the Township.
2. Ground signs shall be prohibited within corner clearance areas, as defined in Section ~~\_\_\_\_\_~~7.09 (Corner Clearance Zones).
3. Setbacks shall be measured from the near edge of the planned future road right-of-way, as defined by the master transportation plans of the Township, or county or state road authorities.
4. A maximum of two (2) sign faces shall be permitted per ground sign.
5. No part of a ground sign shall be located within a required side yard or within ten (10) feet of a side lot line.
6. Ground sign shall be set back a minimum of fifty (50) feet from any existing residential dwellings on abutting zoning lots.
7. No ground sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along the road.

**B. ~~Permitted Modifications:~~**

~~The following modifications to the standards of this Section have been established to:~~

- ~~b. a. Preserve the character and appearance of the Township’s lower intensity use districts through more restrictive standards;~~
- ~~c. Ensure that permitted signage is in reasonable proportion to the land use intensity; and~~
- ~~d. Provide for the specific signage needs of multi-tenant shopping centers and uses that abut primary roadways as defined by the master transportation plans of the Township, or county or state road authorities.~~

~~Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:~~

		Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area per Sign	Maximum Number of Signs
<b>Permitted Modifiers</b>		10 feet	equal to actual sign height	36 square feet	±
<b>Cumulative Modifiers</b>	<b>Located in the R-C, A-1, A-2 or OSP Districts</b>	-4 feet	no change	-18 square feet	no change
	<b>Located in the R-1 or R-2 Districts</b>	-4 feet	no change	-12 square feet	no change
	<b>Located in the R-3, R-4, R-6 or R-7 Districts</b>	-2 feet	no change	-12 square feet	no change
	<b>Located in the PSP or VC Districts</b>	-2 feet	no change	-8 square feet	no change
	<b>Total lot frontage on all public road rights-of-way is less than 100 feet</b>	no change	no change	-8 square feet	no change
	<b>Total lot frontage on all public road rights-of-way exceeds 500 feet</b>	no change	no change	no change	+1 additional sign
	<b>Sign abuts a primary paved roadway with a posted speed limit greater than 50 miles per hour</b>	+2 feet	no change	+18 square feet	no change
	<b>Sign abuts a public road with an existing right-of-way width greater than 90 feet</b>	+2 feet	no change	+8 square feet	no change
	<b>Lot is occupied by a multi-tenant office building, shopping center or similar group of at least five (5) independent non-residential uses</b>	no change	no change	+24 square feet	no change
	<b>Total Permitted with Modifiers:</b>		_____ feet	_____ feet	_____ square feet

The following modifications shall be cumulative when applied to a specific parcel or use, regardless of the zoning district in which located:

- \_\_\_\_\_ The sign area shall be reduced by eight (8) square feet when the total lot frontage along public road rights of way is less than one hundred (100) feet.
- \_\_\_\_\_ One (1) additional sign shall be permitted when the total lot frontage along public road rights of way exceeds five hundred (500) feet.
- \_\_\_\_\_ The sign height may be increased by two (2) feet and area by eight (8) feet when the existing road right of way is width is greater than ninety (90) feet.

~~The sign area may be increased by twenty four (24) feet when the lot is occupied by a multi tenant office building, shopping center, or similar group of at least five (5) independent non residential uses.~~

## Section 14.07 Signs in the Special Districts.

Signs permitted in the Special Districts shall be subject to the following additional standards:

### A. Medical Services (MS) District.

Signs within the MS Special District are subject to the following regulations:

1. In addition to the issuance of a Certificate of Zoning Compliance, all building-mounted signs and ground signs regulated by this Article shall require site plan approval from the Planning Commission to ensure that a coordinated approach to signage within the site is provided, and that all signage is consistent with the intended character of the MS District and the purposes of this Article.
2. Signs that have been approved as part of the site plan review process may be modified without additional review by the Planning Commission if the modification does not:
  - a. Increase the size of the sign by more than ten percent (10%);
  - b. Alter the placement of the sign by more than fifteen (15) feet in any direction; or
  - c. Add illumination or increase the existing illumination of the sign.
3. The modified sign shall conform to all applicable requirements of this Article.
4. The Planning Commission may require that information for other existing or planned signage be provided as part of the site plan approval.
5. Section ~~14.13~~ 14.13 (Sign Exceptions) shall not apply to signs in the MS District.

### B. Planned Community (PC) District.

Signs within a PC Special District shall conform to all applicable requirements of this Article and the approved PC Area Plan, final site plan, and any conditions of approval.

1. Modifications from the sign standards of this Article may be approved by the Township as part of the approval of a Planned Community (PC) development.
2. Any proposed modifications shall be approved as part of the PC Area Plan.

3. The location, size, height, and other details of signs subject to approved modifications from the sign standards of this Article shall be shown on the final site plan.
4. Where a conflict exists between the standards of this Article and an approved PC Area Plan, final site plan or any conditions of approval, the provisions of the approved Planned Community (PC) development shall govern.
5. Section ~~\_\_\_\_\_~~14.13 (Sign Exceptions) shall not apply to signs in an approved PC District.

**C. Other Special Districts.**

Signs within all other Special Districts shall conform to all applicable requirements of this Article.

**Section 14.08 Billboards.**

Billboard signs, as defined in ~~Section \_\_\_\_\_~~Article 2.0 (Definitions), shall be subject to the following:

**A. Findings.**

The Township has made the following determinations related to billboard signs:

1. The placement of signs on lots or structures in the Township that exceed the maximum permitted standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses and would be inappropriate to the intended character and sound development of Superior Charter Township.
2. Unrestricted display of billboard signs along primary roadways as classified by the master transportation plans of the Township or county or state road authorities would lessen the effectiveness of signs allowed under this Article, create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
3. Billboard signs are not appropriate in the Rural Districts and Rural Residential Districts, because such signs would detract from the visual appearance and rural/recreational character of these zoning districts, which is attractive to visitors and residents and a benefit to the local agricultural economy.
4. Billboard signs are not appropriate in the Urban Residential Districts and the Special Districts where Residential Uses are permitted, because the intense commercial nature of the advertising activity would be harmful to property values and incompatible with quality of life in residential areas.
5. Billboard signs are not appropriate in the Business Districts, and the Special Districts where Commercial Uses and Industrial, Research, and Laboratory Uses are permitted, because such signs would be out-of-scale with the

structures and character of the districts, incompatible with abutting residential and recreational uses, and harmful to the promotion of commerce in the districts.

6. Billboard signs are not appropriate in the Public/Semi-Public Uses (PSP) District, and the Special Districts where Office, Service, and Community Uses are permitted, because such signs would be out-of-scale with the structures and character of the districts, and incompatible with abutting rural, residential, and recreational uses.
7. The placement of new billboard signs in the Township is contrary to the purposes of this Article and the Township's ~~Growth Management~~ Master Plan.

### **B. New Billboards Prohibited.**

In accordance with the above findings, new billboard signs shall be prohibited in Superior Charter Township.

### **C. Existing Billboards.**

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section ~~14.11~~ 14.11 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of existing billboard signs in the Township.

## **Section 14.09 Prohibited Signs.**

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
2. Signs painted on or attached to trees, utility poles, fences or streetlights.
3. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
4. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
5. Strings of pennants, flags, balloons, and similar floating devices for purposes of advertising.

6. Roof signs, and inflatable signs.
7. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
8. Signs displayed without required permits or outside of permitted size, location or time period limitations.
9. Non-accessory and off-premises signs, including billboard signs per Section 14.08 (Billboards), except as otherwise provided for in this Article.
10. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

### **Section 14.10 Certificates of Zoning Compliance for Signs.**

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining a Certificate of Zoning Compliance from the Township, and any other required permit(s). Where a provision of this Article requires approval of a Certificate of Zoning Compliance for a sign, such approval shall be subject to the provisions of Section 3.02 (Permits and Certificates of Zoning Compliance) and the following:

1. **Application information.** Certificate applications for a sign shall include the following information:
  - a. The name, address and telephone numbers for the applicant, property owner, and sign contractor; address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.
  - b. A complete description of the applicant's relationship to the property owner.
  - c. The required fee shall be paid to the Township Treasurer according to the schedule of fees established by the Township Board. No part of the fee shall be returnable or refundable to the applicant. No fee shall be required of any governmental body or agency.
  - d. Any other information required by the Zoning Administrator to show full compliance with this Ordinance.
2. **Plot plan and elevations.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot.

- a. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing building and street level façade dimensions and details for all existing and proposed building-mounted signs.
  - b. Information depicted in sufficient detail on aerial or building photographs may be accepted by the Zoning Administrator to satisfy this requirement.
3. **Sign details.** A complete description and scaled drawings of the sign, including all dimensions and the area in square feet, specifications of existing and proposed materials, details of structural supports and sign illumination, and a landscape plan of the base, if applicable.
  4. **License and insurance.** Every person who engages in the erecting, altering or dismantling of permanent signs in the Township shall first submit proof of appropriate licenses or certifications, and shall annually provide the Zoning Administrator with a certificate of public liability insurance. A Certificate of Zoning Compliance for a sign shall not be issued unless the insurance certificate is on file with the Township.

### Section 14.11 Nonconforming Signs.

All legal nonconforming shall be permitted to continue as nonconforming signs until removed or altered, subject to the following:

#### A. Good Working Order.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section ~~14.02~~ 14.02 (General Standards), to the maximum extent feasible. Nonconforming signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

#### B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with applicable codes and ordinances.

#### C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided

that any sign illumination is brought into compliance with the provisions of Section ~~\_\_\_\_\_~~14.02 G (Illumination).

2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section ~~\_\_\_\_\_~~14.02 G (Illumination).
3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:
  - a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.
  - b. Where a ground sign is nonconforming with respect to a required setback, the existing sign's wiring and support structure(s) may be re-used, subject to the following:
    - (1) The sign shall be located outside of any existing road right-of-way, as defined by the master transportation plans of the Township, or county or state road authorities.
    - (2) The sign shall be located outside of any corner clearance area, as defined by Section ~~\_\_\_\_\_~~7.09 (Corner Clearance Zones).
    - (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.

### **Section 14.12 Sign Removal by Township Action.**

The Zoning Administrator shall have the authority to determine whether a sign is unlawful, damaged, unsafe or abandoned, and to take such actions as necessary to enforce the provisions of this Article and Ordinance, subject to the following:

#### **A. Abandoned or Unlawful Signs.**

Signs determined to be abandoned shall be removed by the sign owner and the site restored within thirty (30) calendar days after notification by the Zoning Administrator. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense. All support structures and components shall be completely removed, and the site restored. The owner shall reimburse the Township for removal costs, or the Township may place a lien on the property for such expenses.

**B. Damaged Signs.**

Signs determined to be in a damaged condition shall be repaired or removed by the sign owner within fifteen (15) calendar days after notification by the Zoning Administrator. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Zoning Administrator shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

**C. Unsafe Signs.**

The Zoning Administrator may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Administrator shall notify the owner of the property upon which the sign was located by certified mail of the action taken and the reasons for the action. The Township shall hold the removed sign elements for fifteen (15) calendar days after the mailing date of the notice, after which the sign may be discarded. The owner shall reimburse the Township for removal and storage costs, or the Township may place a lien on the property for such expenses.

**D. Nonconforming Signs.**

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section ~~\_\_\_\_\_~~14.11 (Nonconforming Signs) requirements.

**E. Temporary Signs.**

The Township may remove without notice any temporary sign determined by the Zoning Administrator to be in violation of this Ordinance. A removed sign shall be held by the Zoning Administrator for seven (7) calendar days, after which it may be discarded.

**Section 14.13 Exceptions.**

Any party who has been denied a Certificate of Zoning Compliance for a proposed sign may file a petition for an exception to the provisions of this Article with the Zoning Board of Appeals within sixty (60) calendar days of denial. The Board of Appeals shall have the authority to grant an exception from

the strict application of these regulations in accordance with the following:

**A. Applications and Review Procedures.**

Application for a sign exception shall be filed with the Township Clerk by the Certificate applicant, the owner of record of the property in question or by a person authorized to act on the record owner's behalf. The petition shall consist of:

1. A completed application form and required fee, paid to the Township Treasurer;
2. A copy of the Certificate of Zoning Compliance application and reason for denial;
3. A statement of the specific reasons for the exception request; and
4. All information required for a Certificate of Zoning Compliance per Section ~~\_\_\_\_\_~~ 3.02 (Certificates of Zoning Compliance ~~for Signs~~).

The Township Clerk shall transmit the application and information to the Board of Appeals and to the Zoning Administrator.

**B. Public Hearing.**

The Board of Appeals shall hold a public hearing on each request for a sign exception under this Section. The Chair shall fix a reasonable time and date for the hearing, which shall be held within ninety (90) calendar days after receipt of a complete and accurate application. Notice shall be given, and the hearing shall be held in accordance with Section ~~\_\_\_\_\_~~ 3.11 (Public Hearing Procedures). All hearings shall be open to the public.

**C. Exceptions for Certain Signs Within Road Rights-of-Way.**

The Board of Appeals may grant an exception for one (1) ground sign to be installed and maintained within the road right-of-way at any entrance to an existing single-family residential subdivision or site condominium development established prior to the date of adoption or amendment of this Ordinance without sufficient common area for site entry features as regulated by Section ~~\_\_\_\_\_~~ 14.04 A (Site Entry Features with Signage). Approval of such an exception shall be subject to the following:

1. Proof of preliminary approval of the sign location and design by the Washtenaw County Road Commission.
2. Such signs shall have a maximum height of six (6) feet and a maximum sign area of twenty-eighty (28) square feet.
3. No such sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along the Road.

**D. Other Sign Exceptions.**

For all other sign exception petitions, the Board of Appeals shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception from provisions of this Article:

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
3. **Site features.** Construction of a conforming sign would require significant tree removal or extensive topographic changes.
4. **Scale.** A sign that exceeds the allowable height or area standards of this Article would be more appropriate in scale to the building, use or site frontage.
5. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot, the surrounding area, and the zoning district.
6. **Intent.** The exception shall not impair the intent and purposes of this Article.
7. **Minimum necessary action.** The exception shall be the minimum necessary to provide for reasonable use, visibility or legibility of the sign.

**E. Findings and Conditions.**

In a motion granting or denying a sign exception, the Board of Appeals shall state the specific findings of fact and conclusions or grounds for the decision. The Board of Appeals may attach conditions to a sign exception approval in accordance with the intent and purposes of this Article.

**Section 14.14 Violations.****A. It is a violation of this chapter to:**

- a. Install, authorize installation, create, erect, or maintain any sign in a way inconsistent with the terms of this chapter or that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located
- b. Install, authorize installation, create, erect, or maintain any sign requiring a permit without such a permit.

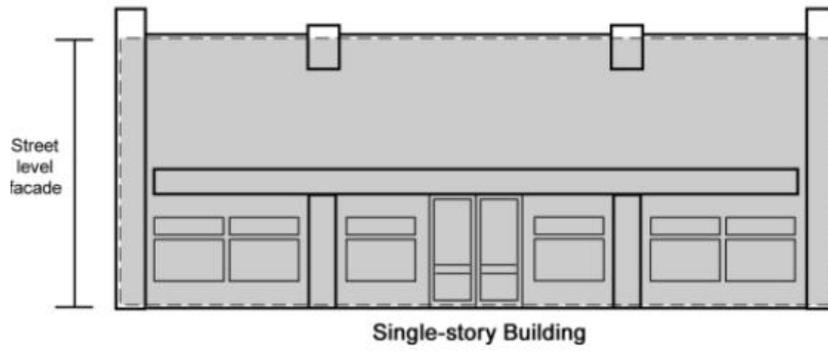
B. Separate violation. Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation.

C. Right-of-way. Unless specified elsewhere in this chapter, any signs placed within a road right-of-way (ROW) and on utility poles will be considered a violation of this chapter and may be removed by the Township at the expense of the owner.

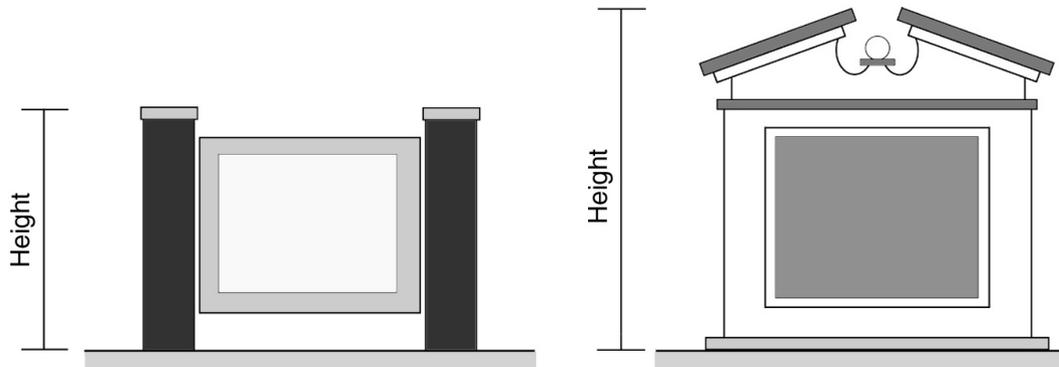
**Section 14.15 Enforcement.**

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

## ILLUSTRATIONS

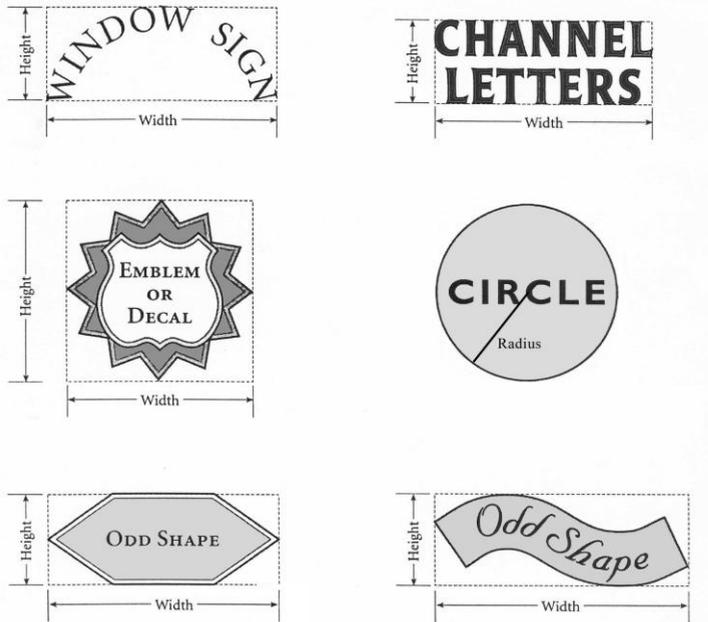


## Signable Area

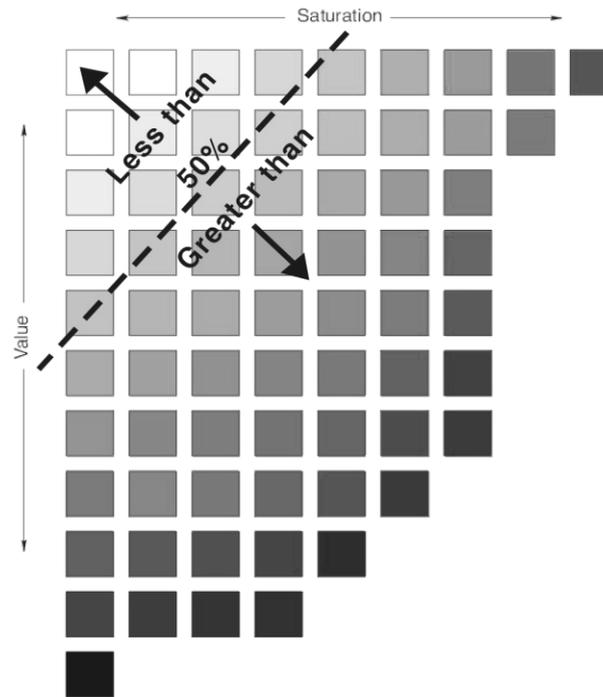


## Sign Height

### ILLUSTRATIONS



### Computation of Sign Area



Color Value and Saturation



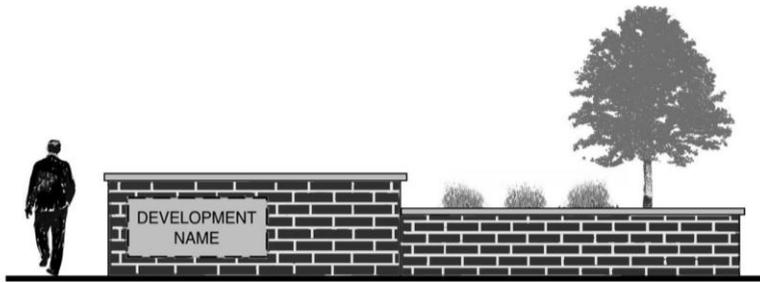
External illumination only



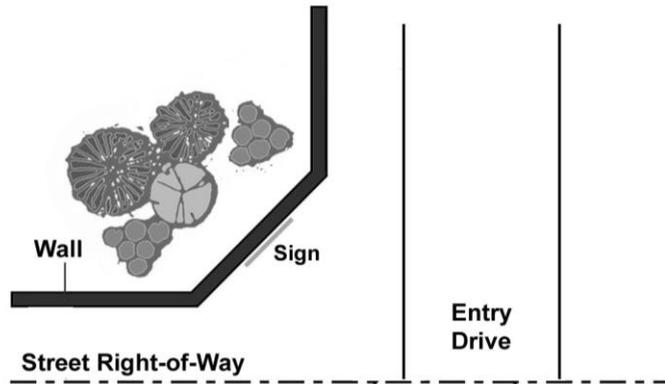
Internal illumination permitted

### Sign Illumination

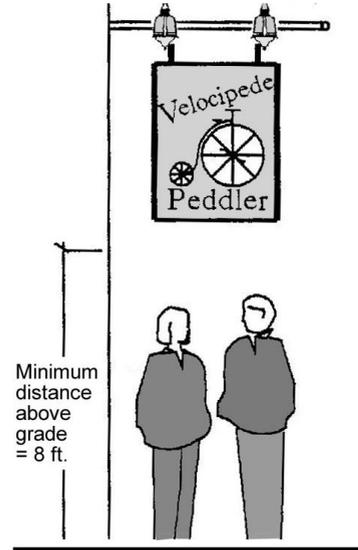
### ILLUSTRATIONS



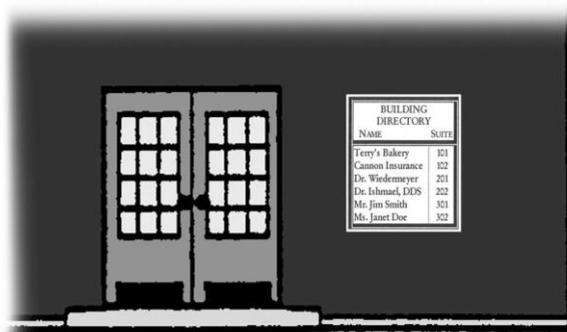
Portable Signs



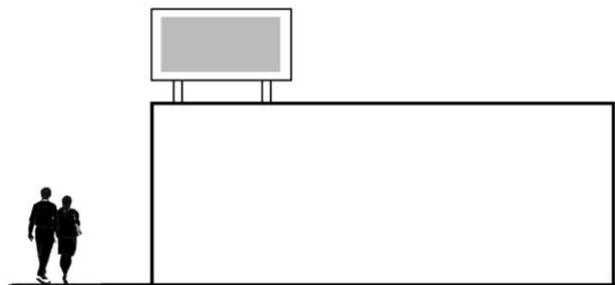
Site Entry Feature With Signage



Projecting Sign Detail

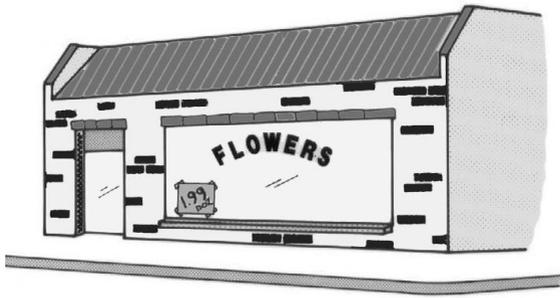


Building Directory

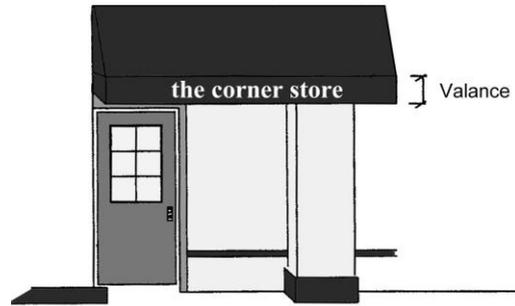


Roof Sign

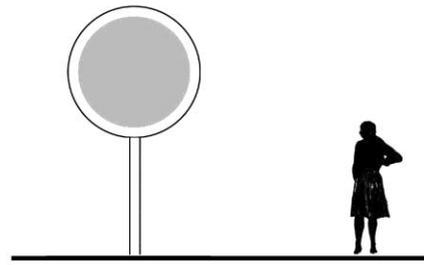
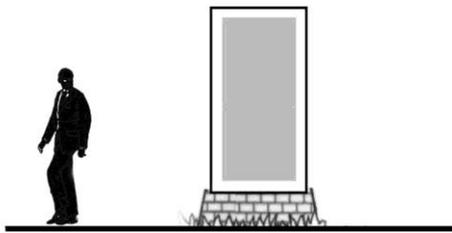
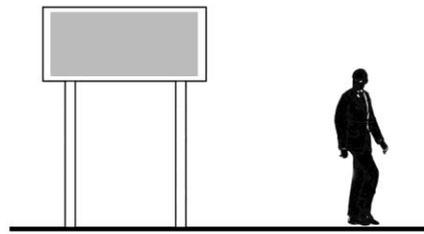
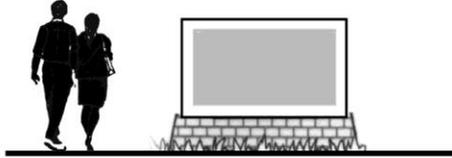
## ILLUSTRATIONS



Window Sign



Awning Sign



Various Types of Ground Signs