

# Zoning Ordinance



## Spring Arbor Township

### Jackson County, Michigan

Revised Through – January 12, 2015

Reprinted — February 20, 2015

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# **Spring Arbor Township**

## **Zoning Ordinance**

**Adopted January, 2006**

Revised Through – January 12, 2015  
Reprinted – February 20, 2015

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# Article 1

## Enacting Clause, Title, Purpose and Scope

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### **SECTION 1.1 - ENACTING CLAUSE**

An Ordinance adopted under authority of, and in accordance with the provisions of the Township Zoning Act (PA 184 of 1943) and administered under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et seq.*), as amended, to establish comprehensive zoning regulations for Spring Arbor Township, Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

### **SECTION 1.2 - TITLE**

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

### **SECTION 1.3 - PURPOSE**

This Ordinance has been enacted for the purpose of establishing regulations supporting the ideals and tenets of the Spring Arbor Township Master Plan and the Jackson Community Comprehensive Plan with the following specific goals:

- 1.3.1 Promote and protect the public health, safety, and general welfare;
- 1.3.2 Protect the character, stability and provide for the needs of the agricultural, recreational, residential, commercial, and industrial areas, encourage the most appropriate use of lands in accordance with their character and adaptability, promote the orderly and beneficial development of such areas and prohibit uses which are incompatible with the character of development permitted within specified zoning districts;
- 1.3.3 Limit the inappropriate overcrowding of land and congestion of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- 1.3.4 Provide for safety and unimpeded travel on public highways and streets;
- 1.3.5 Protect against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interests of the people.

### **SECTION 1.4 - SCOPE**

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

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a building permit had been obtained or on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be carried on within thirty (30) days and completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Article 12 of this Ordinance.

# Article 1

## Enacting Clause, Title, Purpose and Scope

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The standards and regulations set forth in this Ordinance are minimum standards for promoting and protecting the public health, safety and general welfare, and shall not be construed to limit the authority of the Spring Arbor Township Planning Commission or the Spring Arbor Township Board to impose stricter standards to attain the purposes of this Ordinance.

# Article 2

## Definitions

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### **SECTION 2.1 - DEFINITIONS**

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

**Acceleration Lane:** A speed-change lane, including taper, for the purpose of enabling a vehicle to accelerate and merge with traffic at a speed equal to the speed of traffic in the through lane from a side street or drive.

**Access:** A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

**Access Connection:** Any driveway, street, road turnout or other means of providing for the movement of vehicles to or from the public road system or between abutting sites.

**Access Management:** The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

**Access Management Plan:** A plan establishing the preferred location and design of access for properties along a roadway or the roadways in a community. It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.

**Access Point:**

- A. The connection of a driveway at the right-of-way line to a road.
- B. A new road, driveway, shared access or service drive.

**Accessory Structure or Building:** A supplementary structure or building on the same lot or parcel of land as the main building or buildings, or part of the main building occupied by or devoted exclusively to any accessory use.

**Accessory Use:** A use which is incidental and subordinate to the principal use of the land or buildings.

**Adult Foster Care Small Group Home:** A non-profit or for profit boarding home licensed by the State of Michigan for the sheltered twenty-four (24) hour care of six (6) or fewer persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Homes licensed by the State for the care and treatment of persons released from or assigned to adult correctional institutions are not included under this definition. An adult foster care small group home is subject to the provisions of Section 6.20.

**Aesthetic:** A standard of exterior architectural appeal and/or neighborhood harmony.

## Article 2

### Definitions

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

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

**Animal Stable, Large-scale:** An agricultural parcel with six (6) or more horses, mules, donkeys or other large non-food animals, whether for personal use or boarded on a commercial basis or for compensation. Requires a conditional use permit and a minimum of 5 acres; if 20 or more animals are anticipated, minimum land area is 10 acres. (See Article 5)

**Animal Stable, Hobby:** An agricultural parcel, housing five (5) or fewer horses, mules, donkeys or other large non-food animals which are primarily used by the owners of the property. Minimum land area is 2 acres. (See appendix A –Agricultural, All other uses)

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

**Automobile Repair:** General repair, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair and overall painting and vehicle rust-proofing.

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

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

**Basement:** That portion of a building which is partly or wholly below grade, having no more than one-half its height above grade. A basement shall not be counted as a story.

**Bed and Breakfast:** Transient lodging accommodations located within a single family dwelling unit where food service is limited to breakfast entrees for registered guests.

**Biofuel Production Facilities:** Key terms used in Section 6.21 are defined as follows:

- A. **Biofuel:** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol:** A substance that meets the ASTM international standard in effect on the effective date of Section 513 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3513) as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **Farm:** That term as defined in Section 2 of the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.472).

## Article 2

### Definitions

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D. **Proof Gallon:** That term as defined in 27 CFR 19.907.

**Board of Appeals:** The Spring Arbor Township Zoning Board of Appeals.

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

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

**Building Frontage:** The portion of a building that principally faces a public right-of-way.

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

**Building, Main or Principal:** A building in which is conducted the primary use of the lot or parcel on which it is situated.

**Building, Setback Line:** The minimum distance which any building must be located from a street right-of-way or high water line. (See Appendix C)

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

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

**Clean Wood:** Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

**Clinic, Medical:** A building in which a group of physicians, dentists, or practitioners in related specialties and their professional assistants are associated to conduct their profession and where no patients are lodged overnight.

**Clustered Development:** A development design technique, approved by the Township, which concentrates single family lots in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of natural resources and features. (See Article 8 – Open Space Development)

**Commons or Common Area:** Those land areas or facilities to which persons have access and right of use because of ownership or contract; usually refers to areas or facilities in a housing project owned jointly under condominium law or accessible to renters in the project.

**Community Facilities:** Buildings or grounds used for publicly provided functions such as schools, libraries, government centers, etc.

## Article 2

### Definitions

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**Conditional Use:** A use which is subject to conditional approval by the Planning Commission and Township Board.

**Condominium:** A form of property ownership in which living units or other forms of units in a structure are owned individually but the associated land is owned in common or jointly with owners of other structures on the site.

**Condominium Act:** Act 59, Public Acts of 1978, as amended.

**Condominium Development:** Any development undertaken under the provisions of the Michigan Condominium Act, Act 59 of Public Acts of 1978, as amended, or any other act of the legislature of the State of Michigan providing for development of property under joint or concurrent ownership.

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

**Condominium Lots:** The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

**Condominium Subdivision Plan:** The drawings and information prepared in accordance with Section 66 of the Condominium Act.

**Condominium or Consolidating Unit:** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

**Consolidating Master Deed:** The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which fully describes the condominium project as completed.

**Consolidating Unit:** That portion of the Condominium project designed and intended for separate ownership and use, as described in the master deed.

**Contractible Condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.

**Convalescent or Nursing Home:** A state licensed facility for the care of children or the aged or the infirm or a place of rest for those suffering serious bodily disorders.

**Conversion Condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project

**Day Care Facilities:** The following definitions shall apply in the application of this Ordinance:

- A. **Family Day Care Home:** A private home, registered or licensed under Child Care Organization (PA 116 of 1973, MCL 722.111 *et seq.*), as amended, in which one (1) but not more than six (6) individuals are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting individuals related to an adult member of the family. It includes a home that gives care to an unrelated individual for more than four (4) weeks in a calendar year.



## Article 2

### Definitions

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- B. **Group Day Care Home:** A private residence, registered or licensed under Child Care Organization (PA 116 of 1973, MCL 722.111 *et seq.*), as amended, in which seven (7) but not more than twelve (12) individuals are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting individuals related to an adult member of the family. It includes a home that gives care to an unrelated individual for more than four (4) weeks in a calendar year.
- C. **Day Care Center:** A facility, other than a private residence, registered or licensed under Child Care Organization (PA 116 of 1973, MCL 722.111 *et seq.*), as amended, receiving more than one (1) or more individuals for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the individual.

**Deceleration Lane:** A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.

**District:** A Zoning District established by Article 3 of this Ordinance; within which certain uniform regulations and requirements apply.

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

**Dwelling:** Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling in single, multiple or two family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. See section 6.3 for standards.

**Dwelling, Single Family:** A detached building, designed for or occupied exclusively by one (1) family only.

**Dwelling, Two Family:** A detached building designed for or occupied exclusively by two families living independently of each other and each having their own cooking facilities therein. Also known as a duplex dwelling.

**Dwelling, Multiple Family:** A building designed for or used as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile homes.

**Dwelling Unit:** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

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

## Article 2

### Definitions

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**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal departments, commissions, or boards, or by other government agencies, of: underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or other governmental agencies for the public health, safety or general welfare.

**Family:** An individual or a group of two (2) or more persons related by blood, marriage or adoption, including foster children, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit

**Farmland Preservation Act:** Public Act 116 of 1974, as amended, that permits certain property owners to contract with state government to retain land in agriculture or open space in exchange for tax advantages and immunity to special assessments not of benefit to the property under current use conditions.

**Floor Area:** The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The “floor area” of a building shall include the basement floor area when more than one-half (½) of the basement height is above the finished lot grade.

**Glare:** Light emitting from luminaries with an intensity great enough to reduce a viewers’ ability to see and, in extreme cases, causing momentary blindness.

**Grade:** The degree of rise or inclination (slope, fall, etc.) compared with level.

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

**Hazardous Substances:** Hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labors; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 STAT 2767, as amended.

**Home Occupation:** An occupation that is carried on in the home by resident members of the family or living unit, being clearly incidental, and secondary to the principal residential use. There are two types of home occupations:

- A. **Type I:** A Type I Home Occupation is a permitted use in specified Zoning Districts which exhibits no evidence that a business is being conducted from the premises and which does not negatively impact the residential character of the neighborhood in which it is located. A Type I Home Occupation includes the instruction in a craft or fine art (e.g., piano lessons) within a sin-

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gle family dwelling, as provided in Section 204 of the Michigan Zoning Enabling Act (MCL 124.3204), as amended. A Type I Home Occupation is subject to the provisions of Section 6.12.

- B. **Type II:** A Type II Home Occupation is a conditional use in specified Zoning Districts which does exhibit evidence that a business is being conducted from the premises but which, however, does not negatively impact the residential character of the neighborhood in which it is located. A Type II home occupation is subject to the provisions set forth in Article 5, including specifically Subsection 5.9.5.

**Hospital:** A building or group of buildings, having room facilities for overnight patients, used for providing services for in-patient medical or surgical care of sick or injured humans, and which may include related facilities and staff offices associated with hospital operation.

**Hotel:** A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room.

**Infrastructure:** The network of physical systems such as streets, water supply, sewerage, and storm drains that are essential in urban areas.

**Intensive Livestock Operation:** An agricultural operation in which animals are bred and/or raised within a confined area, at concentrated densities. Such operations are further characterized as having an animal feeding building or feedlot which is a facility, other than a pasture, where animals are fed and/or confined. An intensive livestock operation requires a conditional use permit, as set forth in Article 5, including specifically Subsection 5.9.6.

**Junk Yard:** A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment, and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

**Kennel:** Any lot or premises on which four (4) or more dogs, four (4) or more months of age, are confined, either permanently or temporarily shall be deemed a kennel for the purposes of this ordinance.

**Lot:** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide yards and other open spaces as herein required. A lot may consist of a single lot of record or a parcel of land described by metes and bounds.

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

**Lot - Corner:** A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

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

**Lot Depth:** The average distance between the front and rear lines of a lot measured in the general direction of its side lot lines.

**Lot of Record:** A lot which is part of a subdivision and is shown on a map thereof or a lot described by metes and bounds, which has been recorded in the Office of the Register of Deeds of Jackson County.

**Lot - Through (Double Frontage):** An interior lot having frontage on two parallel or approximately parallel streets.

**Lot Width:** The calculated width measured at right angles to the lot's depth as provided in subsection 4.6.5 & Appendix A)

**Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the by-laws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act (PA 59 of 1978, MCL 559.8).

**Medical Marihuana Terms:** The following terms are associated with medical marihuana as regulated by the Township of Spring Arbor.

- A. **Marihuana:** Marihuana, according to the Public Health Code (MCL 333.1101), "means all parts of the plant Cannabis sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination."
- B. **Medical marihuana:** Medical marihuana, according to the MMMA (see below), "means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered patient's debilitating medical condition or symptoms associated with the debilitating medical condition."
- C. **Michigan Medical Marihuana Act (MMMA):** The MMMA (MCL 333.26421 et. seq.) is an initiation of legislation to allow under state law the medical use of marihuana; provide protections for the medical use of marihuana; and provide for a system of registry identification cards for qualifying patients and primary caregivers. The MMMA is supplemented by administrative rules promulgated by the Michigan Department of Community Health (R 333.101 et seq). The MMMA defines the following specific categories of people:
  1. **Primary caregiver:** A primary caregiver is an individual, as defined by the MMMA, and is authorized by and registered through the Michigan Department of Community

## Article 2

### Definitions

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Health to grow and distribute medical marihuana to qualified patients. The primary caregiver must have a valid registry card.

2. **Qualifying patient:** A qualifying patient is an individual, as defined by the MMMA, that has been diagnosed by a licensed physician, as defined by the MMMA, as having a medical condition alleviated by the use of medical marihuana, and who is registered through the Michigan Department of Community Health to grow and/or consume medical marihuana. The qualifying patient must have a valid registry card.
- D. **Medical marihuana care giver grow operation:** A medical marihuana caregiver grow operation is an establishment used by 1 registered primary caregiver for the purposes of the growing and dispensing of medical marihuana outside the privacy of a personal dwelling for up to 5 qualifying patients (as well as the caregiver if he or she is also a qualifying patient), but where there is no consumption of marihuana on the premises.
- E. **Medical marihuana home use:** A medical marihuana home use is a dwelling where a qualifying patient grows or uses medical marihuana for personal consumption in the privacy of their own dwelling, and/or where a registered primary caregiver, serving no more than 1 qualifying patient who resides with the primary caregiver, grows or distributes medical marihuana for the qualifying patient in the privacy of the primary caregiver's own dwelling, and is allowed as a use by right wherever dwellings are permitted.

**Mobile Home:** A detached portable residential dwelling unit with a floor area of at least six hundred (600) square feet, prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling with or without permanent foundation and shall be connected to existing utilities. "Mobile Home" does not include a recreational vehicle.

**Mobile Home Park:** A tract of land prepared and approved according to the procedures in Subsection 5.9.8, to accommodate mobile homes on rented or leased lots.

**Mobile Home Subdivision:** A legally platted residential subdivision accommodating mobile homes.

**Motel:** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

**Non-Conformity (legal):** A building, a portion of a building or a use which lawfully existing at the effective date of this Ordinance which does not conform to the provisions of the Ordinance in the zoning district in which it is located. (See Article 12)

**Non-Conformity (illegal):** An existing use of land or a structure, created after the effective date of this Ordinance which does not conform to the uses specified as permitted in a District. (See Article 12)

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### Definitions

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**Nuisance:** Anything that interferes with the use or enjoyment of property, or endangers personal health or safety. Zoning is generally intended to separate uses that constitute a nuisance to adjoining properties, but zoning law cannot be invoked to abate all nuisances.

**Off-Street Parking:** A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**Open Air Business:** The retail sales of goods which are principally displayed outside, such as automobiles, building material, and nursery and garden products.

**Open Space:** Land area that has not been developed. Usually refers to land in the countryside but may be used to include parks, undeveloped areas in Planned Unit Developments or other large projects.

**Outdoor Wood-Fired Furnace:** Any equipment, device, appliance or apparatus or any part thereof which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood-fired furnace may also be referred as an outdoor wood-fired boiler or an outdoor wood-fired hydronic heater.

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

**Patio:** A level, landscaped, and/or surfaced area, also referred to as a terrace, directly adjacent to a principal building at or within twelve (12) inches of the finished grade and not covered by a permanent roof.

**Planned Unit Development (PUD):** A form of development usually characterized by the flexible application of zoning district regulations and a unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which the Township will have considerable involvement in determining the nature of the development.

**Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Porch, Open:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Private Road:** An area of land which is privately owned which provides vehicular access to more than one (1) lot and has not been dedicated to public use other than access by emergency and public safety vehicles and is maintained by private owners. (See Article 11)

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### Definitions

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**Public Place:** Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a public college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element. A public place also means a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**Public Utility:** Any person, firm, corporation, municipal department, board or commission furnishing to the public electricity, gas, steam, communications, telegraph, transportation, water, sanitary or storm sewage facilities and duly authorized under Federal, State or municipal regulation. Wireless telecommunication facilities shall not be considered a public utility, or essential service, and telecommunication towers, antennas or monopolies shall be subject to all of the rules, regulations and provisions of Article 5, including specifically Subsection 5.9.12 of this Ordinance.

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

**Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, and camping trailers, and self-propelled motor homes.

**Refuse:** Any waste material including but not limited to leaves, grass, garbage and other organic refuse, automobiles or parts thereof, flammable, toxic or explosive materials, electrical wiring, rubber products and plastic products.

**Riding Academy:** Any establishment where horses are kept for riding, driving, or stabling for compensation or in conjunction with the operation of any club, association, ranch, or similar establishment. A Riding Academy shall have a minimum land area of 10 acres.

**Right-of-Way:** A legal right of passage over real property typically associated with roads, driveways and railroads.

**Roadside Stand:** A structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, and its use shall not be deemed a commercial activity.

**Self-Storage Facility:** A building consisting of individual, self-contained units that are leased or owned for the storage of business and household goods.

**Setback:** The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines.(See subsection 4.6.4 and Appendices A & C)

**Site Plan Review:** A review of proposed uses, structures and site development, conducted by the Planning Commission in accordance with the provisions specified in Article 7.

## Article 2

### Definitions

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**Sketch Plan:** An informal, conceptual map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

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

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

**Structure:** Anything constructed, erected, or placed with a fixed location on the ground or attached to something having a fixed location in, on, or below the ground, including a building, bridge, framework, tank, tent, platform, sign, flagpole, or the like, but excluding fences, paving, parking lots, driveways, patios or sidewalks.

**Telecommunication Facilities and Towers:** A telecommunication facility is a telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication tower or antenna. Telecommunication facilities shall not be deemed essential services and shall be subject to and governed by the provisions of Article 5, including specifically Subsection 5.9.12.

**Use:** The purpose for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let or leased.

**Wind Energy System:** A system which converts wind energy into electricity. Wind energy system shall be subject to and governed by the provisions in Article 5 including specifically subsection 5.9.14. The following definitions shall apply to these systems:

- A. **Ambient Noise:** Ambient is defined as the background noise in an area or environment, being a composite of sounds from varying sources at varying distances.
- B. **Anemometer:** A device used to measure wind speed.
- C. **dB (A):** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI, a method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Decommissioning:** The process of terminating operation and completely removing a Wind Facility and all related buildings, structures, foundations, access roads, and equipment and restoration of the property to condition that is reasonably close to the original property prior to construction.
- F. **Hub Height:** The distance measured from the ground level to the center of the turbine hub.
- G. **Meteorological Tower (MET tower):** Includes the tower, base plate, anchors, guy wires, equipment housing, and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow



## Article 2

### Definitions

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- characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- H. **Modification:** Any change to a small wind energy system that materially alters the size, type or location of a small wind energy system. Like-kind replacements shall not be considered to be a modification.
- I. **Nacelle:** The encasement that houses all the generating components, gearbox, drive train, and other equipment.
- J. **Net Metering:** The difference between the electricity supplied to a customer over the electric distribution system, and the electricity generated by the customer's wind energy system that is fed back into the electric distribution system over a billing period and is a special metering and billing agreement between the utility company and the customer.
- K. **Occupied Building:** Is a residence, school, hospital, church, public library, business, or other building used for public gatherings.
- L. **SCADA Tower (supervisory control and data acquisition system):** see MET Tower.
- M. **Small Tower-Mounted On-site Wind Energy System:** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and is intended to primarily reduce on-site consumption of utility power.
- N. **Small Structure-Mounted Wind Energy System:** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), and associated control or conversion electronics which has a rated capacity of not more than five (5) kW and is intended to primarily reduce on-site consumption of utility power.
- O. **Shadow Flicker:** Is an alternating change in light intensity which is caused by the moving blades of a wind turbine casting a shadow(s) on the ground and stationary objects such as windows of a dwelling.
- P. **Sound Pressure:** Average rate of which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- Q. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- R. **Utility Grid/Large Wind Energy Facility System:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
- S. **Wind Site Assessment:** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for the construction of a wind facility.
- T. **Wind Energy Facility:** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other building accessory to such facility, whose main purpose is to supply electricity to off-site customers.

## Article 2

### Definitions

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- U. **Wind Turbine Generator:** A wind energy conversion system, which converts wind energy into electricity. All components for a system shall be designed and built by licensed and regulated engineering and manufacturing firms and facilities to insure that the safety and structural integrity of the towers and generators meet the standards of the International Electrical Commission including a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
  2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or energy-producing device.
  3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

V. **Wind Turbine Generator Total Height:**

**Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the wind turbine generator, plus the length of which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of a wind turbine generator.

**Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

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

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

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

#### **SECTION 2.2 - UNDEFINED TERMS**

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

# Article 3

## Establishment of Zoning Districts

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### **SECTION 3.1 - ZONING DISTRICTS**

Spring Arbor Township is hereby divided into the following zoning districts:

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

### **SECTION 3.2 - OFFICIAL ZONING DISTRICT MAP**

- 3.2.1    **Identified:** The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, "Official Zoning Map of Spring Arbor Township, Jackson County, Michigan which map, with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.
- 3.2.2    **Authority:** Regardless of the existence of purported copies of the Zoning Map which may be published, a true and current copy of the Zoning Map shall be available for public inspection, and shall be located in and maintained by the office of the Township Clerk. The Clerk's copy, which bears the signatures of the Township Supervisor and Clerk, shall be the authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township. If a question arises as to the accuracy of the official Zoning Map, the Planning Commission and Township Board minutes pertaining to the area in question shall be the final authority.
- 3.2.3    **Interpretation of District Boundaries:**
  - A.    Except where specifically designated on the Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of railroad rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Zoning Map. When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

# Article 3

## Establishment of Zoning Districts

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- B. Wherever any street, alley or other public right-of-way within Spring Arbor Township shall have been vacated by official government action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public right-of-way, such land shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as the lands to which the same shall attach, and that same land shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

### **SECTION 3.3 - APPLICATION OF DISTRICT REGULATIONS**

- 3.3.1 **Establishment:** The regulations herein established for each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land, building, structure, or use throughout each district. Wherever the requirements of this Ordinance are at variance with any other adopted regulations, or ordinances, the most restrictive requirement or the requirement imposing the higher standards shall govern.
- 3.3.2 **Uses in Districts.**
  - A. **Permitted Uses:**

Permitted uses shall be allowed by right only if specifically listed as a permitted use in the various zoning districts.
  - B. **Accessory Uses and Buildings:**

Accessory uses and buildings are permitted only if such uses are clearly incidental to the permitted principal use.
  - C. **Conditional Uses:**

Conditional uses also known as special land uses are regulated by the Planning Commission through review of a Conditional Use Permit Application at an advertised public hearing. Recognized permitted Conditional Uses are listed by Zoning District in Article 4. The permissibility of uses which are similar to the listed permitted or conditional uses shall be determined by the Planning Commission. Additional regulations may be placed on a Conditional Use Permit to adhere to the goals and tenets of this Ordinance.

# Article 4

## Zoning District Regulations

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### **SECTION 4.1 - OPEN DISTRICTS**

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

#### 4.1.1 **Agricultural District (AG-1):**

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

##### A. **Permitted Uses:**

1. General and specialized farming and agricultural activities except intensive livestock operations, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals and other farm animals, and plants, trees, shrubs and nursery stock.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
3. Single-family detached dwellings.
4. Home Occupations, Type I, in accordance with the regulations specified in Section 6.12. (see definition)
5. Kennels. (see definition)
6. Animal Stable, Hobby (see definition)
7. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
8. On-site signs in accordance with the regulations specified in Article 9.
9. Accessory uses or structures other than tents and similar soft-sided structures unless the tent or similar soft-sided structure is used for agricultural purposes.
10. Family Day Care Home. (see definition)
11. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically Subsection 6.20. (see definition)
12. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)
13. Medical marihuana caregiver grow operation (subject to the provisions of Sec. 6.22.1)
14. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)

# Article 4

## Zoning District Regulations

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### B. **Conditional Uses:** (See Article 5)

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Two-family dwellings.
2. Home Occupations, Type II in accordance with the regulations specified in Article 5, including specifically subsection 5.9.5. (see definition)
3. Reserved.
4. Golf courses.
5. Group or organized camps, camping grounds, and general or specialized resorts.
6. Airports.
7. Public or private educational facilities including: preschool, primary or secondary schools.
8. Convalescent homes, hospitals, sanitariums and orphanages.
9. Riding academies (see definition)
10. Churches and other buildings for religious worship.
11. Cemeteries.
12. Golf driving ranges.
13. Travel trailer parks.
14. Animal hospitals.
15. Animal Stable, Large-scale (see definition)
16. Intensive livestock operations subject to state and federal regulations and in accordance with the regulations specified in Article 5, including specifically 5.9.5. (see definition)
17. Sanitary landfills.
18. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)
19. Bed and Breakfast establishments in accordance with the regulations specified in Article 5, including specifically 5.9.1. (see definition)
20. Telecommunications Facilities in accordance with the regulations specified in Article 5, specifically subsection 5.9.12.

# Article 4

## Zoning District Regulations

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21. Wastewater treatment plants, water treatment plants, maintenance depots, or warehouses for the provision of essential services and in accordance with the regulations specified in Section 6.17.
22. Tents or similar soft-sided structures as accessory structures used for non-agricultural purposes.
23. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically subsection 5.9.14

### **C. Area, Yard, Height and Bulk Requirements:**

See Section 4.6 and Appendix A.

### **SECTION 4.2 - RESIDENTIAL DISTRICTS**

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

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

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

#### **A. Permitted Uses:**

- 1 Single-family detached dwellings.
2. Home occupations, Type I, in accordance with the regulations specified in Section 6.12. (see definition)
3. On-site signs in accordance with the regulations specified in Article 9.
4. Accessory uses or structures.
5. Family Day Care Home. (see definition)
6. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically Subsection 6.20. (see definition)
7. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)

# Article 4

## Zoning District Regulations

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8. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)

**B. Conditional Uses: (See Article 5)**

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Planned-unit residential developments.
2. Home Occupations, Type II in accordance with the regulations specified in Article 5, including specifically subsection 5.9.5. (see definition)
3. Golf courses, but not including golf driving ranges.
4. Country clubs; public swimming pools; recreation centers; and parks, playgrounds, and playfields.
5. Churches and other buildings for religious worship.
6. Public or private educational facilities including: preschool, primary or secondary schools.
7. Government- or community-owned buildings.
8. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)
9. Bed and Breakfast establishments in accordance with the regulations specified in Article 5, including specifically 5.9.1. (see definition)
10. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically subsection 5.9.14

**C. Area, Yard, Height and Bulk Regulations:**

See Section 4.6 and Appendix A.

**4.2.2 Suburban Residential District (RS-1):**

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

**A. Permitted Uses:**

1. Single-family detached dwellings.
2. Home Occupations, Type I, in accordance with the regulations specified in Section 6.12. (see definition)



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3. On-site signs in accordance with the regulations specified in Article 9.
4. Accessory uses or structures.
5. Family Day Care Homes. (see definition)
6. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically subsection 6.20. (see definition)
7. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)
8. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)

**B. Conditional Uses: (See Article 5)**

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Planned unit residential developments.
2. Home Occupations, Type II in accordance with the regulations specified in Article 5, including specifically subsection 5.9.5. (see definition)
3. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
4. Churches and other buildings for religious worship.
5. Public or private educational facilities including: preschool, primary or secondary schools.
6. Government-or community-owned buildings.
7. Golf courses, but not including golf driving ranges.
8. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)
9. Bed and Breakfast establishments, subject to the provisions of Article 5, specifically subsection 5.9.1. (see definition)
10. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically subsection 5.9.14

**C. Area, Yard, Height and Bulk Regulations:**

See Section 4.6 and Appendix A.

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### 4.2.3 **Suburban Residential District (RS-2):**

This district is designed to permit a moderate density of population and a moderate intensity of land use in those areas where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided in the near future.

#### A. **Permitted Uses:**

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Home occupations, Type I, in accordance with the regulations specified in Section 6.12. (see definition)
4. On-site signs in accordance with the regulations specified in Article 9.
5. Accessory uses or structures.
6. Family Day Care Home. (see definition)
7. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically subsection 6.20. (see definition)
8. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)
9. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)

#### B. **Conditional Uses: (See Article 5)**

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Planned unit residential developments.
2. Home Occupations, Type II in accordance with the regulations specified in Article 5, including specifically subsection 5.9.5. (see definition)
3. Public swimming pools, recreation centers, parks, playgrounds and playfields.
4. Churches and other buildings for religious worship.
5. Public or private educational facilities including: preschool, primary or secondary schools.
6. Government-or community-owned buildings.
7. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)

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8. Bed and Breakfast establishments in accordance with the regulations specified in Article 5, including specifically 5.9.1. (see definition)
9. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically subsection 5.9.14

C. **Area, Yard, Height, and Bulk Regulations:**

See Section 4.6 and Appendix A.

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

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

A. **Permitted Uses:**

1. Multiple-family dwellings.
2. Two-family dwellings.
3. On-site signs in accordance with the regulations specified in Article 9.
4. Accessory uses or structures.
5. Rooming houses and boarding houses.
6. Home Occupations, Type I, in accordance with the regulations specified in Section 6.12. (see definition)
7. Family Day Care Home. (see definition)
8. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically subsection 6.20. (see definition)
9. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)
10. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)

B. **Conditional Uses: (See Article 5)**

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Planned-unit residential developments.
2. Public swimming pools, recreation centers, parks, playgrounds, and play-fields.

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3. Churches and other buildings for religious worship.
4. Public or private educational facilities including: preschool, primary or secondary schools, and colleges and universities.
5. Medical and dental clinics.
6. Hospitals, convalescent homes, sanitariums and orphanages.
7. Mobile home parks in accordance with the regulations specified in Article 5, including specifically 5.9.7. (see definition).
8. Mobile home subdivision in accordance with the regulations specified in Article 5, including specifically 5.9.8. (see definition)
9. Offices of architects, engineers, surveyors, and other professions of similar nature.
10. Offices of executive, administrative, legal, accounting, insurance, real estate, and uses of similar nature.
11. Government-or community-owned buildings.
12. Funeral establishments.
13. Single-family dwellings.
14. Home Occupations, Type II in accordance with the regulations specified in Article 5, including specifically subsection 5.9.5. (see definition)
15. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)
16. Bed and Breakfast establishments in accordance with the regulations specified in Article 5, including specifically 5.9.1. (see definition)
17. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically subsection 5.9.14

C. **Area, Yard, Height and Bulk Regulations:**

See Section 4.6 and Appendix A.

### **SECTION 4.3 - OFFICE DISTRICT (O-1)**

The Office District is designed principally for administrative and/or professional offices and those which are customarily associated with offices. High traffic generators, such as commercial establishments of a retail nature, should be prohibited in this district.

4.3.1 **Office District (O-1):**

A. **Permitted Uses:**

1. Medical and dental clinics.

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2. Funeral home.
3. Laboratory, dental or medical.
4. Studio for professional work.
5. Offices of architects, engineers, surveyors, and other professions of similar nature.
6. Offices of executive, administrative, legal, accounting, insurance, real estate, and uses of similar nature.
7. On-site signs in accordance with the regulations specified in Article 9.
8. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)
9. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)

**B. Conditional Uses: (See Article 5)**

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Hospitals, sanitariums and charitable institutions for human care.
2. Schools and colleges.
3. Family Day Care Home. (see definition)
4. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)
5. Day Care Center.
6. Multiple Family Dwellings.
7. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically subsection 6.20. (see definition)
8. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically subsection 5.9.14

**C. Area, Yard, Height and Bulk Regulations:**

See Section 4.6 and Appendix A.

### **SECTION 4.4 - COMMERCIAL DISTRICTS**

The Local Commercial District, General Commercial District, and Highway Service Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encour-

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age efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use in each district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways.

### 4.4.1 **Local Commercial District (C-1):**

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

#### A. **Permitted Uses:**

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
2. Business services including banks, loan offices, real estate offices, and insurance offices.
3. Offices of an executive, administrative, or professional nature.
4. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
5. On-site signs in accordance with the regulations specified in Article 9.
6. Accessory uses or structures.
7. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)
8. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)

#### B. **Conditional Uses: (See Article 5)**

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Planned-commercial unit developments.
2. Churches and other buildings for religious worship.
3. Government- or community-owned buildings, but not including schools.

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4. Eating and drinking establishments, but not including drive-in types.
5. Bed and Breakfast establishments in accordance with the regulations specified in Article 5, including specifically 5.9.1. (see definition)
6. Family Day Care Homes. (see definition)
7. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)
8. Day Care Center.
9. Multiple Family Dwellings.
10. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically subsection 6.20. (see definition)
11. Telecommunications Facilities subject to the provisions of Article 5, specifically subsection 5.9.12.
12. Wastewater treatment plants, water treatment plants, maintenance depots, or warehouses for the provision of essential services and in accordance with the regulations specified in Section 6.17.
13. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically Subsection 5.9.14

C. **Area, Yard, Height, and Bulk Regulations:**

See Section 4.6 and Appendix A.

4.4.2 **General Commercial District (C-2):**

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

A. **Permitted Uses:**

1. Any use permitted in the Local Commercial District.
2. Business schools; including dance schools, music schools, and art schools.
3. Indoor retail sales establishments.
4. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.
5. Eating and drinking establishments, but not including drive-in types.
6. Clubs and lodges.

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7. Funeral homes.
8. Printing establishments.
9. On-site signs in accordance with the regulations specified in Article 9.
10. Accessory uses or structures.
11. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)
12. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)

**B. Conditional Uses: (See Article 5)**

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Automobile service stations.
2. Hotels or motels.
3. Small animal clinics.
4. Drive-in business services.
5. Churches and other buildings for religious worship.
6. Government- or community-owned buildings, but not including schools.
7. Bed and Breakfast establishments in accordance with the regulations specified in Article 5, including specifically Subsection 5.9.1. (see definition)
8. Outdoor display and sale of mobile homes, modular homes, manufactured homes, motor vehicles, trailers, and boats. Indoor service of motor vehicles, trailers, and boats.
9. Family Day Care Home. (see definition)
10. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)
11. Day Care Center.
12. Multiple Family Dwellings.
13. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically subsection 6.20. (see definition)
14. Telecommunications Facilities in accordance with the regulations specified in Article 5, including specifically 5.9.12. (see definition)



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15. Wastewater treatment plants, water treatment plants, maintenance depots, or warehouses for the provision of essential services and in accordance with the regulations specified in Section 6.17.
16. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically Subsection 5.9.14

C. **Area, Yard, Height, and Bulk Regulations:**

See Section 4.6 and Appendix A.

4.4.3 **Highway Service Commercial District (C-3):**

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

A. **Permitted Uses:**

1. Any use permitted in the local commercial or general commercial district.
2. Outdoor sale, display, and rental of motor vehicles, trailers, and boats. Outdoor sale and display of mobile homes, modular homes, and manufactured homes. Indoor service of motor vehicles, trailers, and boats.
3. Drive-in retail and service establishments, except drive-in theaters.
4. On-site signs in accordance with the regulations specified in Article 9.
5. Motels and hotels.
6. Eating and drinking establishments.
7. Accessory uses or structures.
8. Indoor and outdoor commercial amusements.
9. Self-storage units in accordance with the regulations specified in Article 5, specifically Subsection 5.9.11. (see definition)
10. Automobile service stations.
11. Essential services but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses, and in accordance with the regulations specified in Section 6.17. (see definition)
12. Medical marihuana home use (subject to the provisions of Sec. 6.22.2)

B. **Conditional Uses: (See Article 5)**

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be au-

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thorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

1. Automobile repair garages.
2. Drive-in theaters.
3. Self-storage units with outside storage of registered vehicles and recreational equipment, in accordance with the regulations specified in Article 5, specifically subsection 5.9.11. (see definition)
4. Family Day Care Home. (see definition)
5. Group Day Care Homes, in accordance with the regulations specified in Article 5, specifically subsection 5.9.3. (see definition)
6. Day Care Center
7. Multiple Family Dwellings.
8. Adult Foster Care Small Group Home, in accordance with the regulations specified in Article 6, specifically Subsection 6.20. (see definition)
9. Telecommunications Facilities in accordance with the regulations specified in Article 5, including specifically Subsection 5.9.12. (see definition)
10. Wastewater treatment plants, water treatment plants, maintenance depots, or warehouses for the provision of essential services and in accordance with the regulations specified in Section 6.17.
11. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically Subsection 5.9.14

C. **Area, Yard, Height, and Bulk Regulations:**

See Section 4.6 and Appendix A.

### **SECTION 4.5 - INDUSTRIAL DISTRICT**

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

#### 4.5.1 **Light Industrial District (I-1):**

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

### A. **Permitted Uses:**

1. Wholesale merchandising or store warehouses.
2. Vehicle repair garages, but not including auto junk yards.
3. Trucking terminals.
4. Farm machinery and equipment sales and repair.
5. Contractor's yard.
6. Lumber yard.
7. Industrial office buildings.
8. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
9. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
10. Skilled trade services including plumbing, electric, heating, printing and painting establishments.
11. Research and testing laboratories.
12. Essential services and structures.
13. On-site signs in accordance with the regulations specified in Article 9.
14. Essential services and structures, as defined, but not including wastewater treatment plants, water treatment plants, maintenance depots, or warehouses. Only in accordance with the regulations specified in Article 6, Section 6.17.
15. Accessory uses and structures other than tents or similar soft-sided structures unless the tent or similar soft-sided structure is used in the primary business activity conducted on the property.

### B. **Conditional Uses:** (See Article 5)

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

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1. Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
2. Self-storage units with outside storage of registered vehicles and recreational equipment, in accordance with the regulations specified in Article 5, specifically subsection 5.9.11. (see definition)
3. Telecommunications Facilities in accordance with the regulations specified in Article 5, including specifically 5.9.12. (see definition)
4. Wastewater treatment plants, water treatment plants, maintenance depots, or warehouses for the provision of essential services and in accordance with the regulations specified in Section 6.17.
5. Adult Entertainment business in accordance with the regulations specified in Article 10.
6. Tents or similar soft-sided structures as accessory structures used for a purpose unrelated to the business activity conducted on the property.
7. Wind Energy Systems in accordance with the regulations contained in Article 5, specifically subsection 5.9.14

C. **Area, Yard, Height, and Bulk Regulations:**

See Section 4.6 and Appendix A.

### **SECTION 4.6 — COMPLIANCE WITH ZONING DISTRICT REGULATIONS**

4.6.1 **General Provisions:**

- A. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located; except by variance authorized as provided in Section 16.3.
- B. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- C. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

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### 4.6.2 **Performance Standards:**

- A. **Requirements:** No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. The standards of the Michigan Department of Environmental Quality shall be complied with. Uses in all districts where permitted, shall comply with the following minimum performance requirements:
1. **Noise:** Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
  2. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
  3. **Smoke:** Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.
  4. **Odor:** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
  5. **Air Pollution:** No pollution of air by ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
  6. **Glare:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
  7. **Erosion:** No erosion, by either wind or water shall be permitted which will carry objectionable substances onto neighborhood properties, lakes, ponds, rivers, or streams.
- B. **Plans:** The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.
- C. **Enforcement:** The Zoning Administrator may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards.

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

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### 4.6.3 **Minimum Street Frontage Regulations:**

- A. Any parcel of land which is to be occupied by a use or building shall have frontage on and direct access to a public street or private road, which meets one of the following conditions:
  - 1. A public street which has been accepted for maintenance by the Jackson County Department of Transportation;
  - 2. A permanent and unobstructed private road located within an applicable District, existing at the time of the adoption of this Ordinance or thereafter approved by the Township Board, and built in accordance with Article 11.
- B. Exceptions to Minimum Street Frontage: In an Agricultural District, easements are permitted to access parcels of land provided all of the following conditions are met:
  - 1. No more than two (2) such improved parcels share a right of way easement for ingress and egress to a public or private road.
  - 2. The right of way easement provides a safe means of access being at least twenty (20) feet in width with a clear height of fourteen (14) feet for ingress and egress for emergency fire and police vehicles from the public or private road to the improved parcels.
  - 3. The length of said right of way easement, if used to access one (1) improved parcel shall, not exceed one thousand (1,000) feet and shall have a twenty (20) by (x) thirty (30) foot T-style turn-around; or, if used to access two (2) improved parcels, shall not exceed five hundred (500) feet from the center line of said public or private road.
  - 4. The right of way easement is recorded in the office of the Register of Deeds of Jackson County.

### 4.6.4 **Setback Regulations:**

- A. **Lot / Yard Setbacks:**
  - 1. Lots which abut on more than one public road and/or private road easement shall provide the required front yard along every such public road or private road easement.
  - 2. All front yard setback lines shall be the minimum distance measured from the road right-of-way line to the nearest front line of any permanent building structure which requires a foundation.
  - 3. All side and rear yard setback lines shall be the minimum distance measured from the nearest side or rear property line to any permanent building structure which requires a foundation.
- B. **Accessory Structure Setbacks:**

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1. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure unless the accessory building or structure shall have rated firewalls as provided by the Michigan Construction Code. Detached structures with rated firewalls may be located within five (5) feet of any other building or structure.
2. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except, however, such accessory structure of 200 square feet or less may be placed not less than five (5) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed ten (10) feet in height.
3. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.

C. **Exceptions to Setback Regulations:**

1. All projections not exceeding (3) feet in length from the structure wall.
2. Decks, terraces, patios, and other similar structures, constructed within twelve (12) inches of ground level, may project into a side or rear yard setback, provided that such structures are unroofed and without walls or other continuous enclosure, excluding an open railing a maximum of thirty-six (36) inches high. No such structure shall be permitted nearer than five (5) feet to any property line or five (5) feet from any water frontage. Decks, terraces, patios, and similar structures, constructed at the front of a building, shall be subject to all yard requirements thereof.

4.6.5 **Lot Width Regulations:**

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

4.6.6 **Height Regulations**

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

A. **Height Limitations:**

The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances: parapet walls, chimneys, smokestacks,

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church spires, flagpoles, radio and television and telecommunication towers, pent-houses for mechanical equipment, and water tanks.

**B. Increased Height:**

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

**4.6.7 Distance Between Grouped Buildings:**

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

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

**4.6.8 Lot-Building Relationship:**

Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined or on a "consolidating unit" as defined and, except in the case of approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on any one (1) lot in a Residential District.

In an Agricultural District, no more than one (1) residential structure and its permitted accessory structures shall be permitted on a lot of record, excepting: On a working farm consisting of 80 acres or more actively farmed and resided on by the owner., one additional residence will be permitted for farm help.

**4.6.9 Appendix A:**

Refer to appendix A – Schedule of District Regulations



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The formulation and enactment of this Ordinance is based upon the division of Spring Arbor Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Spring Arbor Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

### **SECTION 5.1 - AUTHORITY TO GRANT PERMITS**

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

### **SECTION 5.2 - APPLICATION AND FEES**

Applications for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Spring Arbor Township Clerk by filling in an official conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

### **SECTION 5.3 - INFORMATION REQUIRED**

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; a site plan (i.e., an accurate survey drawing of said property showing the existing and proposed location of all structures and other improvements thereon, the types thereof, and their uses); and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

### **SECTION 5.4 - PUBLIC HEARING**

The Planning Commission shall hold a public hearing in conformance with Section 17.3 of this Ordinance.

### **SECTION 5.5 - REQUIRED STANDARDS**

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

- 5.5.1 **Purpose:** Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.

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- 5.5.2 **Appearance:** Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- 5.5.3 **Essential Services:** Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- 5.5.4 **Hazards:** Will not be hazardous or disturbing to existing or future neighboring uses.
- 5.5.5 **Public Costs:** Will not create excessive additional requirements at public costs for public facilities and services.

#### **SECTION 5.6 - DETERMINATION AND IMPOSITION OF CONDITIONS**

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

#### **SECTION 5.7 - APPROVAL & PERMIT**

- 5.7.1 After an application for a conditional use permit is filed with the Zoning Administrator, he or she shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under Subsection 5.7.2, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the body or official receives the application, whichever is first.
- 5.7.2 If, before the expiration of the fourteen (14)-day period under Subsection 5.7.1, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14)-day period under Subsection 5.7.1 is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
- 5.7.3 The Planning Commission shall recommend and the Township Board shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Township Board fails to timely approve or deny the application, the application shall be considered approved and the Township Board shall be considered to have made any determination required for approval.

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5.7.4 When the Township Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall forward a copy of the permit to the applicant, Clerk, Zoning Administrator, and Planning Commission. The Zoning Administrator shall not issue a zoning compliance permit until he or she has received a copy of the conditional use permit approved by the Township Board, which shall include a statement of findings and conclusions relative to the conditional use which specifies the basis for the decision and any conditions imposed.

### **SECTION 5.8 - VOIDING OF CONDITIONAL USE PERMIT**

Any conditional use permit granted under this Ordinance shall expire and be of no effect unless construction and/or use has begun and is being diligently pursued to completion within three hundred and sixty-five (365) days from approval by the Township Board. In the event that approval shall expire, if progress is being made, the Zoning Administrator may extend the approval period not to exceed six (6) months. Thereafter, or absent such extension, a re-application with a showing of good cause shall be made to the Planning Commission. The Planning Commission may grant an extension with a showing of good cause for delay.

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

### **SECTION 5.9 - ADDITIONAL DEVELOPMENT REQUIREMENTS**

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body.

#### **5.9.1 Bed and Breakfast Establishments:**

- A. It is the intent of the Section to establish reasonable standards for Bed and Breakfast establishments to assure that:
  - 1. The property is suitable for transient lodging facilities.
  - 2. The use is compatible in the zoning district where it is located with other uses in the zoning district where it is located.
  - 3. Adjacent lands shall not be subject to increased trespass.
  - 4. The impact of the establishment is no greater than that of a private home with house guests.
- B. **Minimum Requirements:** Bed and Breakfast Establishments shall be subject to the following additional regulations:
  - 1. The minimum lot size shall be two (2) acres.
  - 2. Vehicle parking is prohibited between the front of the building and public right-of-way.

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3. Bed and Breakfast establishments shall not be located less than fifteen hundred (1500) feet apart.
4. The residence shall be the principal dwelling unit on the property, and shall be owner occupied at all times. The Bed and Breakfast use shall be subordinate to the principal use of the building as a single-family dwelling.
5. The residence shall have at least two (2) exits to the outdoors.
6. Not more than six (6) sleeping rooms in the residence may be used for rental purposes.
7. Not more than sixteen (16) overnight guests may be accommodated at any time.
8. The rooms utilized for sleeping shall be a part of the primary residence, and not specifically constructed for rental purposes.
9. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two occupants, with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room.
10. Where applicable, proof of evaluation of the well and septic systems and food service facilities by the Health Department, and conformance to the Agency's requirements shall be supplied by the owner/occupant.
11. The Planning Commission shall require that a floor plan of the structure, drawn to an architectural scale of not less than an eighth (1/8th) of an inch equals (=) one (1) foot, be on file with the Fire Department.
12. The owner/operator of a Bed and Breakfast establishment shall keep a guest registry which shall be available for inspection by the Zoning Administrator, and police and fire officials.
13. The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.
14. In the event the Planning Commission determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Planning Commission may require that fencing and/or a planting buffer may be constructed and maintained.
15. Rental of snowmobiles, ATV's or similar vehicles, boats and other marine equipment in conjunction with the operation of the establishment shall be prohibited.
16. There shall be no separate cooking facilities used for the bed and breakfast stay, and the residence kitchen shall not be remodeled into a commercial kitchen.

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17. Food will only be served to registered over-night guests.
18. A special use permit shall not be granted if the essential character of a lot or structure within the zoning district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the Bed and Breakfast use.

### 5.9.2 **Drive-in Theaters:**

Drive in Theaters shall be subject to the following additional regulations:

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

### 5.9.3 **Group Day Care Homes:**

Group Day Care Homes shall be subject to the following additional regulations:

- A. Located not closer than 1,500 feet to another licensed group day-care home; another adult foster care small group or large group home; a facility offering substance abuse treatment and rehabilitation to seven (7) or more people; or a community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- B. Appropriately fenced for the safety of the children in the Group Day Care Home as determined by the Township Board.
- C. The property shall be maintained in a manner consistent with the visible characteristics of the neighborhood.
- D. Is subject to the regulations of Article 9.
- E. Meets the off-street parking requirements of the Spring Arbor Township Zoning Ordinance.
- F. Does not exceed sixteen (16) hours of operation during a 24-hour period. The home may not be open between the hours of 10:00 p.m. and 6:00 a.m. Friday through Sunday.

### 5.9.4 **Day Care Centers:**

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- A. Appropriately fenced for the safety of the children in the Day Care Center home as determined by the Township Board.
- B. The property shall be maintained in a manner consistent with the visible characteristics of the neighborhood.
- C. Is subject to the regulations of Article 9.
- D. Meets the off-street parking requirements of the Spring Arbor Township Zoning Ordinance.

#### 5.9.5 **Home Occupations (Type II):**

Type II home occupations shall be subject to the following additional regulations:

- A. **Location:** The home occupation shall be carried on within the dwelling or within an accessory building on the parcel.
- B. **Employees and Volunteers:** No more than one (1) person (employee or volunteer) may be employed who is not a resident of the premises.
- C. **Hours of Operation:** Set by the Conditional Use Permit.
- D. **Clients or Customers:** No more than two (2) clients or customers shall be received at any one time.
- E. **Signage:** Subject to the regulations of Article 9.
- F. **Equipment or Process:** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal human senses beyond the property lines of parcel on which the home occupation is conducted.
- G. **Home Alterations:** There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than thirty percent (30%) of the living area of the dwelling shall be devoted to such home occupation.
- H. **Storage:** All articles or materials used in connection with such home occupation shall be stored in the main and permitted accessory buildings. No outside storage is permitted. The storage of materials and merchandise shall not represent a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, nor shall said storage result in a change to the fire rating of the dwelling and accessory building in which said storage may be conducted.
- I. **Traffic and Parking:** Customers shall not generate excessive traffic or monopolize on-street parking. There shall be no more than two (2) deliveries per week to the residence by suppliers, except that delivery of mail and small packages by the United States Postal Service or by alternative private delivery services shall not be included as supplier deliveries.

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- J. **Display of Merchandise:** No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the dwelling and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- K. **Home Occupations Prohibited in all Residential Districts:**
  - 1. Outdoor Vehicle or equipment repair
  - 2. Auto Bodywork
  - 3. Auto Painting
  - 4. Parking and Storage of Heavy Equipment

#### 5.9.6 **Intensive Livestock Operations:**

Along with the Site Plan the following information shall be included:

- A. All structures and confined lots designed to house or contain livestock or animal waste shall be set back at least two hundred fifty (250) feet from the property line that abuts any road and five hundred (500) feet from other abutting property lines.
- B. All structures and confined lots designed to house or contain livestock or animal waste shall be set back seven hundred fifty (750) feet from any existing family residence, except that of the intensive animal feeding operator; fifteen hundred (1,500) feet from any existing church, business, school, recreational area (public or private) or any public building; and two thousand (2,000) feet from any recorded residential plat.
- C. The need for the preparation of an environmental impact statement (EIS) and/or a hydrological study shall be determined by the appropriate state or federal regulating agency. The Township Zoning Administrator shall be notified in writing should these requirements be waived by the regulating agencies and the reasons for the waiver. A copy of any EIS or hydrological study prepared shall be provided to the Township Zoning Administrator.
- D. The design and construction of all equipment, facilities and structures to be used for disposal of animal waste, including animal waste lagoons, shall be approved by, and meet the requirements and standards defined by the Jackson County Soil Conservation Service, and the state or federal regulating agency at the time of application. Evidence that these requirements have been met, and the required approvals from these agencies obtained, shall be provided to the Township Zoning Administrator prior to the start of operation of the waste disposal equipment, facilities and structures.
- E. The design, installation and operation of all facilities and equipment required to monitor groundwater, soil and air contamination, including monitoring and test wells, shall meet the requirement specified by the state or federal regulating agency at the time of application.

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- F. Proven methods shall be used to minimize odor, smoke, fumes, dust, insects or rodents generated as a result of the facility operation.
- G. A copy of all reports and results of groundwater, soils and/or air quality tests required by the state or federal regulating agency's monitoring program shall be provided to the Township Zoning Administrator. This requirement shall also apply to intensive animal feeding operations existing at the time of the enactment of this Ordinance.

#### 5.9.7 **Junk Yards:**

- A. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, un-pierced fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, un-pierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, un-pierced fence or wall located on said lot.
- B. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- C. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

#### 5.9.8 **Mobile Home Park:**

- A. All mobile home parks shall comply with the Mobile Home Commission Act (PA 96 of 1987, MCL 125.2301 *et seq.*), as amended.
- B. Every mobile home park shall be served by a central water supply system and a central sanitary sewerage system.
- C. The land area of a mobile home park shall not be less than ten (10) acres.
- D. Mobile home sites shall be at least four thousand (4,000) square feet in area.
- E. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachments to appropriate external systems.



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- F. Each mobile home site shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both said yards not less than twenty- five (25) feet.
- G. Each mobile home site shall have front and rear yards with each such yard not less than eight (8) feet in width and the aggregate width of both said yards not less than twenty (20) feet.
- H. For the purposes of this subsection, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which, every point shall not be less than the minimum width herein provided. Open patios, car-ports, and individual storage facilities shall be disregarded in determining yard width. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the ends.
- I. From all structures (not including the mobile home), the following minimum distance shall be maintained:
  - 1. Ten (10) feet to the buffer strip.
  - 2. Thirty (30) feet to the boundary of such park (which is not a public street or highway).
  - 3. Fifty (50) feet to the right-of-way of any public street or highway.
  - 4. Thirty (30) feet to any collector street of such park (parking bay or central parking drive not a collector street).
  - 5. Fifteen (15) feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents).
  - 6. Fifty (50) feet to any service building in such park.
- J. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance prescribed herein.
- K. Each mobile home site shall be provided with a minimum stand consisting of a solid concrete four (4) inch apron not less than sixty (60) feet long nor less than twelve (12) feet wide. This apron shall be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
- L. Each mobile home shall be supported on uniform jacks or blocks supplied by the mobile home park management.
- M. An all-weather, hard-surfaced outdoor patio area of not less than one hundred and twenty (120) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of

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the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.

- N. Each mobile home park shall include similarly designed enclosed storage of goods and the usual effects of the inhabitants of such park, such storage space should not be less than two hundred and ten (210) cubic feet and not less than five (5) feet in height for each mobile home. Such storage structure or structures may be located on the mobile home site or in a common structure with individual lockers.
- O. Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.
- P. On-site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at each site.
- Q. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements and be approved by the Jackson County Health Department.
  - 1. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type or nuisance or health hazard. Running water from a State-tested and approved supply, designed adequately from a minimum flow shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.
  - 2. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owner adjacent to the park.
- R. Disposal of Garbage and Trash:
  - 1. Any method used shall be approved by the State and inspected periodically by the Jackson County Health Department.
  - 2. Adequate incinerators, if provided, shall be conveniently located so as not to create a nuisance and be designed so that combustible materials will be reduced to an odorless gas and inorganic ash under any weather conditions.
  - 3. Trash not burned should be stored in a conveniently located similarly designed enclosed structure or structures. The removal of non-combustible trash shall take place no less than once a week.
- S. All electric, telephone, and other lines from supply poles, or other sources to each mobile home site shall be underground. The electrical system shall be of such volt-

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age and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed, they shall be located in a uniform manner.

- T. Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any mobile home site as it is found to be safe. All fuel lines leading to mobile home sites shall be underground and so designed as to conform to any State code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.
- U. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park except at established entrances and exits serving such park. When necessary for health, safety, and welfare, a fence shall be required. No fence shall be more than six (6) feet in height, to separate park from an adjacent property.
- V. A recreation space of at least three hundred (300) square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, parking areas, and laundry rooms are not to be included as recreation space in computing the necessary area.
- W. All driveways, motor vehicle parking spaces, and walkways within such parks shall be hard surfaced and adequately drained and lighted for safety and ease of movement.
- X. Minimum widths of roadways within parks shall be as follows:

<u>Motor Vehicle Parking</u>	<u>Traffic Use</u>	<u>Minimum Pavement Width</u>
Parking Prohibited	2-way road	22 feet
Parallel parking - 1 side only	1-way road	32 feet
Parallel parking - 2 sides	2-way road	42 feet
Parallel parking - 2 sides	1-way road	31 feet

- Y. Walkways shall be installed and shall be not less than four (4) feet in width, excepting that walkways designed for common use of not more than three (3) mobile home sites shall be not less than three (3) feet in width.
- Z. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.

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

### 5.9.9 **Mobile Home Subdivisions:**

- A. All mobile homes to be erected as permanent residences in mobile home subdivisions shall be approved by the Zoning Administrator prior to erection on the lots.
- B. Each mobile home approved for erection on a mobile home subdivision be erected according to the manufacturer's specifications and mounted on a solid concrete apron no less than twelve (12) feet in width, sixty (60) feet in length, and four (4) inches in thickness or a suitable foundation.
- C. Lot areas where a mobile home is to be erected, altered, or used as a single-family dwelling shall contain not less than ten thousand (10,000) square feet of lot area if the lot is served by a central sanitary sewerage system. Where a lot is not so served, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each mobile home.
- D. The minimum lot width for lots served with a central sanitary sewerage system shall be one hundred (100) feet. Where a lot is not so served, the minimum lot width shall be one hundred twenty (120) feet.
- E. The maximum lot coverage shall not exceed thirty (30%) percent.
- F. Each lot in a mobile home subdivision shall have a front yard of not less than thirty-five (35) feet.
- G. Each lot in a mobile home subdivision shall have two (2) side yards and the least width of either yard shall not be less than ten (10) feet, but the sum of the two (2) side yards shall not be less than twenty-five (25) feet.
- H. Each lot in a mobile home subdivision shall have a rear yard of not less than twenty (20) feet.
- I. No building or structure, or part thereof, shall be erected to a height exceeding fifteen (15) feet.
- J. All mobile homes to be erected and used in a mobile home subdivision shall contain a gross floor area of not less than six hundred (600) square feet.

### 5.9.10 **Planned Unit Development:**

The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modifica-

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tion by the Planning Commission of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements.

- A. The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
- B. The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of Article 7, Site Plan Review. In addition to the site plan data specified in Section 7, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

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

- C. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned unit development is located.
- D. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.
- E. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a government or private organization.
- F. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, without dependence on any subsequent unit or development.
- G. The common open-space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
- H. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

5.9.11. **Reserved.**

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### 5.9.12 **Self-storage Units:**

A self-storage unit business may include an outside storage area subject to the following conditions.

- A. The size of the area designated for outside storage shall not exceed the square-footage of the enclosed storage area.
- B. A security fence at least seven (7) feet in height shall be required along the perimeter of the outside storage area. The fence shall not be located within any of the required yards or setbacks. The fence shall be locked between the hours of 10:00 p.m. and 7:00 a.m.

### 5.9.13 **Telecommunication Facilities and Towers:**

A telecommunication facility is defined as a commercial telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication towers or antennas. It is the intent and purpose of this section to regulate the construction and maintenance of communication towers in a manner consistent with the property values, aesthetics, public health, safety and welfare of the residents of Spring Arbor Township. It is the determination of the Township Board that such regulations are necessary because of the potential of injury arising out of the location of said towers, the proliferation of requests for said towers, the growing need for said towers, and to avoid potential damage to adjacent properties from tower failures.

- A. **Applicant:** The applicant for a conditional use permit to erect a commercial telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication towers or antennas shall be the owner, tenant, lessee, or agent of one of the foregoing.
- B. **Application:** The application shall be submitted to the Township forty-five (45) days prior to submission of the application to the Planning Commission for approval and shall contain the following information:
  - 1. A statement by the applicant that he has made diligent effort to obtain co-location of his communication facilities but that none is available. A statement by the applicant that no other suitable site exists which is available and located in a lessor classified zoning district.

The applicant must demonstrate that the proposed tower antennas cannot be accommodated on an existing or approved facility due to the unwillingness of the owner to entertain a shared facility proposal, the planned equipment would exceed the structural load capacity of the approved tower, the planned equipment would cause radio frequency interference with other existing or planned equipment which could not reasonably be prevented, existing or approved towers do not have space for the equipment so that it can function effectively and reasonably, or any other reason that makes it impractical to

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place the equipment proposed by the applicant on existing and approved towers.

Evidence of the effort made by the applicant shall be by copy of certified mail to the owner and/or tenants of other telecommunication facilities, and responses received by the applicant.

2. A site plan of the proposed site.
3. A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen trees, a fence no less than six (6) feet tall, and the material out of which said fence shall be erected. See additional requirements in subsection C (5) below.
4. The proposed height of the telecommunication facility.
5. The location and size of all accessory buildings.
6. The type of construction of telecommunication facility.
7. Each application shall be accompanied by a report prepared by a licensed professional engineer describing the telecommunication facility height and design, including a cross-section of the structure; the report shall demonstrate the tower's compliance with applicable sub-structural standards and describe the tower's load design.
8. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. Such demonstration shall be evidenced by a study comparing other potential host sites. Reasons for excluding a site for consideration include but are not limited to:
  - a. Unwillingness of the owner to entertain a telecommunication facility proposal.
  - b. Topographical limitations of the site.
  - c. Adjacent impediments that would obstruct adequate telecommunication transmission.
  - d. Physical site constraints that would preclude this construction of a telecommunication facility.
  - e. Technical limitations of the telecommunication system.
9. A legal description of the property.
10. The application shall be accompanied by a statement from a licensed professional engineer certifying that the tower is in compliance with all applicable federal, state and local laws, codes, regulations and ordinances.

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11. The base of the telecommunication facility shall be determined by the setback requirements of the Ordinance, but shall not exceed two-hundred (200) square feet. In no case shall the base of the tower intrude into the minimum setback requirements.
12. Minimum spacing between telecommunication facility locations shall be one mile in order to prevent a concentration of towers in one area.
13. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
14. All applications for the construction of Commercial telecommunication facilities and associated structures such as: antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas, shall be subject to the provisions of the site plan review process set forth in this Ordinance. Each such application shall undergo a full and thorough site plan review together with meeting all of the requirements of this Subsection, 5.9.12. Site plan review of such projects may not be waived by the Township Building Administrator or Zoning Administrator.

#### C. **Minimum Standards:**

1. Commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be separated from residential dwellings by a distance of no less than two hundred (200) feet or the height of the tower plus ten per cent (10%), whichever is greater.
2. All communication towers shall be inspected annually by a competent or licensed inspector to insure the structural integrity of the tower, appurtenances, equipment or fixtures added to the tower. A report of the results of the inspection shall be provided to the Township Building Inspector on or before August 1st of each year.
3. All telecommunication facilities shall be sited to have the least possible practical visual effect on the surrounding neighborhood.
4. Telecommunication facilities shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
5. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting, and a row of trees at least eight (8) feet in height at the time of placement with ten (10) foot centers and a minimum mature height of thirty-five (35) feet.



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6. Minimum property line setbacks shall be thirty (30) feet plus the height of the telecommunication facility plus ten (10%) per cent of the height of the tower, or one hundred (100) feet, whichever is greater. Notwithstanding the foregoing language, no tower shall be located closer than 200' from the property line or property being used for residential purposes. Providing further, that where a proposed tower will be located on a parcel of land surrounded on all four sides by commercially, agriculturally and/or industrial zoned property the Planning Commission may in its discretion reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the Township will be less than the required setback in this Ordinance, but in no event shall the setback be less than required for structures erected in the Zoning District in which the tower is located. The setback distance shall be measured from the base of the tower to the lot line.
7. The telecommunication facility shall conform to the ANSI standards for RF exposure. The telecommunication facility shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall provide proof of compliance with the ANSI standards.
8. The total square footage of accessory buildings shall not exceed two hundred (200) square feet per user of the tower. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
9. Fuel tanks shall be buried or screened with landscaping, fencing or berms. Trash areas must be screened. Alternative fuel supplies shall meet applicable state law.
10. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed State or local noise standards, and shall conform to recommended decibels standards adopted by the appropriate federal agency.
11. Metal towers shall be constructed of or treated with corrosive resistant material.
12. Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
13. There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any telecommunication facility, except such identification as may be required for emergency purposes.
14. All parking and drive areas must be paved.

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15. All telecommunication devices added to existing facilities or towers must meet the requirements of this Ordinance, except that setback requirements shall not be applicable to such devices installed on non-conforming towers. All structures erected after the effective date of this Ordinance shall meet all of the requirements of this Ordinance.
- D. **Abandonment:** In the event the use of any telecommunication facility has been discontinued for a period of one hundred eighty (180) days the telecommunication facility shall be deemed to be abandoned. Upon abandonment the owner/operator of the telecommunication facility shall have an additional one hundred eighty (180) days within which to re-activate the telecommunication facility, or dismantle and remove the telecommunication facility.
- E. **Federal, State and Local Rules, Etc:** The owner or applicant of the commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication facility permit.
- F. **Tower Space and Tower Rights:** The applicant shall provide to Spring Arbor Township tower space and tower rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.
- G. **Bonds:** The owner of a telecommunication facility shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within one hundred eighty (180) days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunication facility.
- H. **Transfer of Ownership:** These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the telecommunication facility is transferred to another person, partnership, corporation or any other entity.
- I. **Camouflage:** The Planning Commission may require camouflage or innovative design for a telecommunication facility providing that the same is not cost prohibitive and/or does not create an undue hardship on the applicant. Such design requirements may include but not be limited to camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring that the facility be so designed as to blend into the existing environs and background of the facility.

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- J. **Annual License:** The Township Board by resolution may establish an annual license fee from time to time to defray the costs of administering the provisions of this Ordinance.
- K. **Colocation on Existing Facilities:** New telecommunication equipment proposed for colocation on an existing telecommunication support structure or in an existing equipment compound requires an amended conditional use permit unless all of the following is true:
1. The existing telecommunication support structure or existing equipment compound is in compliance with the provisions of this subsection or was approved by the Township Board.
  2. The proposed colocation will not do any of the following:
    - a. Increase the overall height of the telecommunication support structure by more than 20 feet or 10% of its original height, whichever is greater.
    - b. Increase the width of the telecommunication support structure by more than the minimum necessary to permit colocation.
    - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  3. The proposed colocation complies with the terms and conditions of any previous final approval of the telecommunication support structure or equipment compound by the Township Board.

#### 5.9.14 **Wind Energy Systems:**

It is the intent of this section to regulate wind energy systems in a manner that protects the public health, safety and welfare of neighboring property owners and the residents of the Township.

- A. **Small On-Site Wind Energy System:** A system that is intended to primarily serve the needs of the property upon which it is located.
1. All Small On-Site Wind energy Systems shall be considered as a Conditional Use in all zoning districts and shall have a minimum lot size of five (5) acres. The height of a tower mounted system in a residential district shall not exceed sixty (60) feet. In all other districts the height of a tower mounted system shall not exceed eighty (80) feet. In all districts, the height of a structure mounted system, attached to a structure's roof, walls or other elevated surface shall not exceed fifteen (15) feet as measured from the highest point on the roof, excluding chimneys, antennae and other protuberances.
  2. All small on-site wind energy systems shall be subject to the Site Plan Review Article of this Ordinance including the following site development standards.

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- a. **Blade/Ground Clearance:** The lowest extension of any blade or other exposed moving component shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of a tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as decks, balconies or roof gardens, that are located below the Small Tower or Structure Mounted Wind Energy System.
- b. **Guy Wires:** If the small on-site wind tower mounted energy system is supported by guy wires, such wires shall be covered with a high visibility material or fenced so as to make them visible from grade up to a height of six (6) feet horizontal above the ground.
- c. **Setbacks Tower Mounted Wind Energy System:** Shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator plus ten (10) percent, however no part of the wind turbine generator, including guy wire anchors, may extend closer to the property line or waterfront than the required setback for the district in which the unit is located. A small wind energy system shall be located in the rear yard and shall have a setback of twenty (20) feet from all occupied buildings on the applicant's parcel. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site.
- d. **Setbacks Structure Mounted Wind Energy System:** Shall be set back a minimum of fifteen (15) feet from the property line, public or private right-of-way, easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If affixed by any extension to the side, roof, or other elevated surface then the setback from the property line, public or private right-of-way or easement shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
- e. **Noise:** Small on-site wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB (A) as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe windstorms.
- f. **Vibration:** Small on-site wind energy systems shall not cause vibrations through the ground that are perceptible beyond the property line of the parcel on which it is located.
- g. **Reception/Signal Interference:** Small on-site wind energy systems shall not cause interference with communication systems such as, but not limited to, television, microwave, satellite emergency communica-

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tions, wireless phone, navigational or radio reception to neighboring areas.

- h. **Shadow Flicker:** Small on-site wind energy systems shall not cause shadow flicker upon any structure on a neighboring property. The wind turbine generator owner may obtain written agreements which allow shadow flicker to cross an occupied structure.
- i. **Potential Ice Throw:** Ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
- j. **Safety:** Small on-site wind energy systems shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speed, and excessive pressure on the tower or building structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
- k. **Signs:** Small on-site wind energy systems shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for the identification of the turbine manufacturer. A clearly visible warning sign regarding voltage shall be placed at the base of a tower or structure mounted system, or any other required information (e.g. Underwriters laboratory (UL) label, emergency contact phone number.) Such sign shall not exceed three square feet.
- l. **Visual Appearance:** Small on-site wind energy systems including accessory structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the system and any ancillary facilities shall be maintained throughout the life of the system.
- m. **Lighting:** Small on-site wind energy systems shall not be artificially lighted, except to the extent required by law or other applicable authority, or otherwise for the reasonable safety and security thereof.
- n. **Utility Connection:** If the small on-site wind energy system is connected to a public utility (Consumers Energy) for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the utility.
- o. **Other Regulations:** On-site wind energy systems shall comply with all applicable State construction and electrical codes, Regulations contained in the Jackson County Airport – Reynolds Field Airport Zoning Manual, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Tall Structure Act (PA 259 of

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1959, MCL 259.481 *et seq.*), as amended, and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

- p. **Decommissioning/Removal of Small On-Site Wind Energy System:** Any Small On-Site Wind Energy System that is not operational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such Small On-Site Wind Energy System shall remove the same within one hundred eighty (180) days of abandonment. Failure to remove an abandoned Small On-Site Wind Energy System within the one hundred eighty day period provided in this subsection shall be grounds for the Township to remove the Small On-Site Wind Energy System at the owner's expense.
- B. **Utility Grid/Large Wind Energy Facility System:** A system built to provide electricity to the electric utility grid.
1. All utility grid/large wind energy facility systems shall be considered as a Conditional Use in an Agricultural or Industrial District with a minimum lot size of ten (10) acres.
  2. All utility grid/large wind energy facility systems and anemometer towers shall be subject to the Site Plan Review Article of this Ordinance and any applicable site development standards for the small on-site wind energy systems. The following site development standards shall also apply.
    - a. **Principal or Accessory Use:** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a non-conforming use or structure.
    - b. **Avian Analysis and Wildlife Impact:** An applicant shall submit an avian study to assess the potential impact of a proposed Wind Energy Facility upon bird and bat species. The avian study shall at a minimum report a literature survey for threatened and endangered species, and any information on critical flyways. The analysis shall also include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.

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- c. **State or Federal Requirements:** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Conditional Land Use approval is approved.
- d. **Sufficient Wind Resources:** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval. All costs for the study shall be at the applicant's expense.
- e. **Minimum Site Area:** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall meet required setbacks and any other standards of this Article.
- f. **Setbacks:** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
  - (1) **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty (55) decibels on the dB (A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.

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- (2) **Setback from Road:** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height plus 10% as defined in the Ordinance.
  - (3) **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.
  - (4) **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (150%) times the total tower height, whichever is greater, determined from the existing power or communication lines.
  - (5) **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.
- g. **Height:** Regarding wind turbine height, the applicant shall demonstrate compliance with the Michigan Tall Structures Act (PA 259 of 1959, MCL 259.481 *et seq.*), as amended, FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.
  - h. **Tower Separation:** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics such as prevailing wind and topography, of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.
  - i. **Minimum Ground Clearance:** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.
  - j. **Maximum Noise Levels:** The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB (A) measured at neighboring property lines. This level may be exceeded during short-term events such as utility outages and severe windstorms.
  - k. **Maximum Vibrations:** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.



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- l. **Potential Ice Throw:** Ice throw or ice shedding for a wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
- m. **Signal Interference:** No wind turbine generator shall be installed in any location where proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, emergency communication systems, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.
- n. **Visual Impact, Lighting, Power Lines:**
  - (1) Wind turbines shall be mounted on tubular lattice towers, painted anon-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered Michigan licensed engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
  - (2) The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation. The landscaping requirements section of the Zoning Ordinance shall be complied with and addressed in the Site Plan.
  - (3) Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternative and design chosen:
    - (a) Shall be the intensity required under State or federal regulations.
    - (b) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be al-

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- ternated with steady red lights at night if acceptable to State or federal regulations,
- (c) May be a red top light that does not pulsate or blink.
  - (d) All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- (4) Wind turbines shall not be used to display any advertising (including flags, streamers, or decorative items), except the reasonable identification of the manufacturer or operator of the wind energy facility.
  - (5) The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.
- o. **Shadow Flicker:**
    - (1) The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
    - (2) The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems. All costs for the analysis shall be at the applicant expense.

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- p. **Safety:**
- (1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - (2) Wind turbine towers shall not be climbable up to fifteen (15) feet above ground surfaces.
  - (3) All access doors to wind turbine towers and electrical equipment shall be lockable and/or fenced as appropriate, to prevent entry by non-authorized person(s).
  - (4) Each wind turbine tower shall have one (1) high visibility sign, not to exceed three (3) square feet posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
    - a. Warning High Voltage
    - b. Manufacturer's and owner/operators name
    - c. Emergency contact numbers (list more than one number)
  - (5) All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator and be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speed, and excessive pressure on the tower or building structure, rotor blades and other wind energy components.
  - (6) The structural integrity of the tower (s) shall conform to the design standards of the International Electrical Commission, specifically "Wind Turbine Safety and Design", "Wind Turbine Certification", "Blade Structural Testing" or similar successor standards.
- q. **Hazard Planning:** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:
- (1) Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard or any life safety hazard,
  - (2) Location of landscaping is to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site. The landscaping shall be maintained to prevent the creation of life safety hazards (i.e., fire, emergency access,

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- and electrical contact). In addition to the above all landscaping shall comply with the provisions of the Landscaping Requirements of the Zoning Ordinance.
- (3) A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS). All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
  - (4) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
  - (5) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
  - (6) All towers shall be inspected annually by a certified registered Michigan licensed engineer and authorized factory representative insure the structural integrity of the tower, appurtenances added to the tower, equipment added to the tower, and fixtures added to the tower. A report shall be provided to the Township Building Inspector on or before August 1 of each year.
- r. **Approvals:** All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.
- s. **Decommissioning/Removal of Wind Turbine Generators:**
- (1) The applicant shall submit a commissioning plan. The plan shall include:
    - (a) The anticipated life of the project.
    - (b) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
    - (c) The method of ensuring that funds will be available for decommissioning and restoration shall be as required by the Planning Commission.
    - (d) The anticipated manner in which the project will be decommissioned and the site restored.
  - (2) Any wind turbine generator or anemometer tower that is not operational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one

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hundred eighty (180) days of abandonment. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.

(3) In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

(4) The Planning Commission shall require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township.

t. **Equipment Replacement:** Major components of the wind turbine generator may be replaced without a modification of the Conditional Use permit provided all regulations contained herein are adhered to.

#### 5.9.15 **Freestanding Announcement Bulletins That Include an Electronic Message Sign:**

Freestanding announcement bulletins that include an electronic message sign shall be subject to the following additional regulations:

- A. Located not closer than one hundred feet (100') to any existing or future single or two family residential use as zoned or designated in the Township's Master Plan. Distance is to be measured from the base of the sign to the nearest point of the residential property.
- B. Must have frontage on a road or street as required for the district in which they are located.

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# Article 6

## Supplemental Regulations

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### **SECTION 6.1 - PURPOSE**

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

### **SECTION 6.2 – WETLANDS AND FLOODPLAINS**

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses. Any application for construction in any such wetland or floodplain must be accompanied by a Michigan Department of Environmental Quality Wetlands Permit as required by Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, PA451 of 1994.

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

### **SECTION 6.3 – DWELLING UNIT STANDARDS**

A detached building, designed for or occupied by one (1) family only, complying with the following standards:

- 6.3.1 **Minimum Square Footage:** A minimum living area of nine hundred (900) square feet for a one or two-bedroom dwelling plus one hundred fifty (150) square feet of additional living area for each additional bedroom beyond two and with a minimum floor to ceiling height of 7.5 feet.
- 6.3.2 **Minimum Width:** A minimum width along any exterior side elevation of twenty-four (24) feet.
- 6.3.3 **Foundation:** Dwellings located outside of Mobile Home Parks and Mobile Home Subdivisions shall have a foundation consisting of a crawl space or full basement in accordance with the Michigan Residential Building Code extending the full length and width of the dwelling. Manufactured housing within a Mobile Home Subdivision may also meet Michigan Residential Building Code Standards for pier type foundations according to the specifications of the manufacturer.
- 6.3.4 **Towing Mechanism:** No exposed wheels, towing mechanisms, undercarriage or chassis shall be permitted and no storage shall be allowed in any crawl space or skirted area which is not a standard basement.
- 6.3.5 **Sewer & Water Hookup:** The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- 6.3.6 **Storage Area:** The dwelling shall contain storage areas in the basement, attic, closets, or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles, and exclusive use of the crawl space of a dwelling not possessing a basement. Such storage areas within the dwelling unit shall,

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in the aggregate be equal to at least fifteen (15%) percent of the minimum square foot living area requirements of this Ordinance.

- 6.3.7 **Code Compliance:** The dwelling must comply with the Michigan State Construction Code, the National Electrical Code and the Michigan State Fire Code.
- 6.3.8 **Roof Overhang:** Every dwelling shall be constructed with roof overhang of not less than six (6) inches on all sides of the structure, with roof drainage systems designed to concentrate roof drainage along the sides of the structure, and shall be designed with no less than two (2) exterior doors with attached steps or other means of safe ingress and egress where required by a difference in elevation between the ground level and floor level of such dwelling.
- 6.3.9 **Additions:** The dwelling shall not have any additions of rooms or other areas that are not constructed of similar materials and are not similar in appearance to the original structure, including the above described foundation and permanent attachment to the principal structure.
- 6.3.10 **Exemptions:** The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance. Specific regulations for mobile home parks are covered under Section 5.9.8.
- 6.3.11 **Garages:** Each new dwelling constructed shall have a garage, either attached or detached. Existing houses without garages are permitted. Modification to any garage will be permitted only if the final construction provides for a garage in conformance with this ordinance. All garages shall meet the requirements of this Zoning Ordinance and all applicable construction codes of the Township. All garages shall be fully enclosed structures with a minimum size of sixteen (16) feet by (x) twenty-two (22) feet and must include a concrete or asphalt floor and at least one standard garage door with a minimum width of 9 feet.

#### **SECTION 6.4 - ACCESSORY STRUCTURES**

- 6.4.1 **Permit Requirements:** Any accessory structure in excess of two-hundred (200) square feet shall require a building permit and shall meet all Township adopted codes as may be applicable to said structure.
- 6.4.2 **Prohibited Structures:** Packing or storage crates, parts or all of a semi-trailer, and similar converted structures shall not be used as accessory structures in any zoning district, except industrial and agricultural. Railroad cars shall not be used as accessory structures in any zoning district. Tents or similar soft-sided structures shall not be used as accessory structures in any zoning district, except as a permitted or conditional use in an agricultural or light industrial district as provided in Section 4.1.1 and Section 4.5.1.

#### **SECTION 6.5 - FENCES**

Fences in Spring Arbor Township shall meet the following standards:



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- 6.5.1 **Location:** All fences shall be located entirely on the property of the owner of the fence in such a way that maintenance of the fence is possible without trespass. Lot line fences are permitted if parties on both sides of the proposed fence agree.
- 6.5.1 **Public Hazards:** Lot line fences shall not be constructed so as to be a hazard to the public health and welfare. Electrified fences will be allowed only in the AG-1 Zoning District.
- 6.5.2 **Right-of-way:** No fencing will be erected within the road right-of way.
- 6.5.3 **Residential, Agricultural and Office Districts:** Lot line fences shall not exceed six (6) feet in height in the rear yard, and alongside lot lines, forward to a point equal to the front setback distance specified for the given district. Privacy fences (six (6) foot fences) may also be erected along the shortest distance between the front corner of the dwelling or principal structure and the side lot line fence to maintain privacy in the side and rear yards. Any fencing erected in any part of the front yard or along the side lot line between the road right-of-way and the front setback shall not exceed four (4) feet in height and be at least fifty percent (50%) open. (Example: picket, split rail or chain link type fences.)
- 6.5.4 **Commercial Districts:** Fences which enclose property shall not exceed six (6) feet in height unless approved during Site Plan Review.
- 6.5.5 **Industrial District:** Fences which enclose property shall not exceed eight (8) feet in height.

#### **SECTION 6.6 - SWIMMING POOLS**

Swimming pools in all districts are subject to the following regulations:

- 6.6.1 **Location:** Swimming pools shall conform to the side yard and rear yard requirements of the district in which they are located, and shall not be located in any part of a front yard.
- 6.6.2 **Permits:** Swimming pools shall conform to the Michigan Residential Code.
- 6.6.3 **Lighting:** All lighting shall be so shielded, arranged, and operated as to prevent spillover to neighboring premises.
- 6.6.4 **Electrical:** All electrical wiring used on, in, or about, the premises upon which the pool is located shall conform in all respects with the National Electrical Code and require inspection.
- 6.6.5 **Safety equipment:** The pool shall be equipped for safety, rescue, and first aid with a light weight pole with blunted ends, ring buoys, manila rope, and a standard first aid kit.

#### **SECTION 6.7 - CURB CUTS AND DRIVEWAYS**

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

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### **SECTION 6.8 – LANDSCAPE ELEMENTS**

- 6.8.1 **Right of Way Plantings:** Any plantings within a road right-of-way may be required to be removed if found to be obstructive to road visibility or for road or utilities installation or maintenance.
- 6.8.2 **Lot Line Plantings:** Shall be set back from the lot line a sufficient distance so that no portion of the plant, when fully grown, encroaches onto neighboring property unless agreed upon by both parties bordering the planting.
- 6.8.3 **Berms:** Shall be set back at least 5 feet from property lines and shall be planted with a permanent perennial groundcover of shrubby or herbaceous plants.

### **SECTION 6.9 - VISIBILITY AT INTERSECTIONS**

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

### **SECTION 6.10 - STORAGE OF MATERIALS**

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

- 6.10.1 **Agricultural, Residential, or Commercial District:** The owner or tenant shall locate and store such materials within a completely enclosed building. An exception will be made for a temporary portable storage container, such as a pod or enclosed trailer, when utilized for temporary storage of household items during a remodeling or construction project. Use of a temporary portable storage container is limited to 60 consecutive days, unless otherwise approved, in advance, by the Zoning Administrator.
- 6.10.2 **Industrial District:** The owner or tenant shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, un-pierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum setback requirements for buildings permitted in said district. In circumstances where fence height exceeds the limit imposed by Subsection 6.5.5 a conditional use shall be required.

### **SECTION 6.11 - MOBILE HOMES, RECREATIONAL VEHICLES & TRAVEL TRAILERS**

- 6.11.1 **Permitted Uses:** No mobile home shall be used other than as a single-family dwelling in accordance with Section 6.3 or in a duly licensed Mobile Home Park with the exception that a mobile home may be used as a temporary field office provided it is certified as such by the Zoning Administrator.

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- 6.11.2 **Natural Disaster Provision:** In the event that the principal dwelling on a parcel of property is destroyed by natural causes such as fire, tornado, or similar natural disaster, and the owner of the property desires to rebuild, a mobile home or travel trailer may be used as a temporary dwelling. Any mobile home or travel trailer used as a temporary occupancy must meet zoning requirements and Township adopted Construction Codes and shall be connected to approve sanitary wastewater disposal and potable water systems. The owner shall obtain necessary permits valid for a period of (6) months, with a possible six (6) month extension. The total period of temporary occupancy shall not exceed twelve (12) months. The mobile home or travel trailer shall be removed from the property at the expiration of the permits or completion of the rebuilt dwelling, whichever occurs first.
- A. In cases where the Township grants approval for temporary occupancy of a mobile home or travel trailer on a parcel of land during reconstruction, the Township shall require a bond in an amount of ten thousand (\$10,000) dollars to ensure that said mobile home or travel trailer meets the above requirements and is removed in accordance with the provisions of this Ordinance.
  - B. Any and all expenses or costs incurred by the Township to remove a mobile home or travel trailer or enforce removal of the same from the property after the expiration of the permit shall be billed or assessed to the owner of the property and paid for out of the bond. The excess expense shall be assessed against the property owner and collected in the same manner that all other ad valorem property taxes are collected in the State of Michigan.
- 6.11.3 **Recreational Vehicles:** No recreational vehicle shall be used as a dwelling unless all of the following conditions are met:
- A. The period of use shall not exceed twenty-one (21) consecutive days in a sixty (60) day period in an RS-1, RS-2 or RM-1 District or fifty-six (56) days in a ninety (90) day period in an AG-1 or RNF-1 District;
  - B. The recreational vehicle must be on a lot or parcel with an existing dwelling;
  - C. The recreational vehicle must be connected to the electrical and water supply systems of the existing dwelling; and
  - D. The recreational vehicle must be connected to the sewer system of the existing dwelling or all waste water must be dumped at a certified dumping station. In no event can gray or black water be drained onto the ground.
- 6.11.4 **Parking Regulations:** Refer to Section 6.14, Off-Street Parking Requirements

### **SECTION 6.12 - HOME OCCUPATIONS – TYPE I**

Type I Home Occupations (See definition) are subject to the following regulations:

- 6.12.1 **Location & Employees:** The home occupation shall be carried on within the dwelling or within an accessory building on the parcel only by residents of the dwelling.

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- 6.12.2 **Clients or Customers:** No more than two (2) clients or customers shall be received at any one time.
- 6.12.3 **Equipment or Process:** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal human senses beyond the property lines of parcel on which the home occupation is conducted.
- 6.12.4 **Home Alterations:** There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than twenty-five percent (25%) of the living area of the dwelling shall be devoted to such home occupation.
- 6.12.5 **Storage:** All articles or materials used in connection with such home occupation shall be stored in the main and permitted accessory buildings. No outside storage is permitted. The storage of materials and merchandise shall not represent a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, nor shall said storage result in a change to the fire rating of the dwelling and accessory building in which said storage may be conducted.
- 6.12.6 **Traffic and Parking:** No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. There shall be no more than one (1) delivery per week to the residence by suppliers, except that delivery of mail and small packages by the United States Postal Service or by alternative private delivery services shall not be included as supplier deliveries. In no instance shall a delivery of any kind be made via a vehicle larger than a step-type van or truck.
- 6.12.7 **Display of Merchandise:** No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the dwelling and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- 6.12.8 **Home Occupations Prohibited in all Residential Districts:**
- A. Outdoor Vehicle or equipment repair
  - B. Auto Bodywork
  - C. Auto Painting
  - D. Parking and Storage of Heavy Equipment

#### **SECTION 6.13 - TEMPORARY USE**

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Township Board based upon finding that the location of such an activity will not adversely affect adjoining properties, public health, safety, morals, or the general welfare.

#### **SECTION 6.14 - OFF-STREET PARKING REQUIREMENTS**

In all districts, at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles shall be provided as required by this Section.

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Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

#### 6.14.1 **Plans:**

Plans and specifications showing required off-street parking spaces including the means of access and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a zoning compliance permit for the erection or enlargement of a building or as part of a Site Plan scheduled for Planning Commission review.

#### 6.14.2 **Location of Off-Street Parking Areas:**

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

#### 6.14.3 **Parking in Residential Districts:**

The parking of passenger vehicles and one (1) commercial and/or industrial vehicle of the light delivery type, not to exceed (1) ton on a driveway located on private property shall not be prohibited in any Residential District. The parking of any other type of commercial and/or industrial vehicle, except for those parked on school or church property, is prohibited in a residential zone. All other vehicles and equipment in a Residential District shall be parked in accordance with the following provisions:

- A. These provisions shall not apply to any vehicle or equipment stored or parked in an enclosed building.
- B. Motor vehicles, motor homes, travel trailers, campers, and similar equipment shall not be parked in the front yard of any residential district except for a period not to exceed five (5) days for loading and unloading. Such units may be parked indefinitely in the back-yard or side yard of a parcel if the units are parked or stored in such a way as to conform to the rear and side line setback requirements for a dwelling in that Zoning District.
- C. Boats, recreational vehicles, snowmobiles, trailers, and similar units or equipment shall not be parked in the front yard. Such units may be parked indefinitely in the back-yard or side yard of a parcel if the units are parked or stored in such a way as to conform to the rear and side line setback requirements for a dwelling in that Zoning District.
- D. Temporary vehicles or structures such as motor homes, travel trailers or campers shall not be used as living quarters or dwellings in any Zoning District, except in accordance with the provisions of Section 6.11 of this Ordinance.

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### 6.14.4 **Off-Street Parking Area Design:**

- A. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it shall be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- C. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
  - 1. For ninety (90°) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
  - 2. For sixty (60°) degree parking, the aisle shall not be less than eighteen (18) feet.
  - 3. For forty-five (45°) degree parking, the aisle shall not be less than thirteen (13) feet in width.
  - 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- D. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- E. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of asphalt or concrete.
- F. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- G. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact plantings not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- H. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

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

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6.14.6 **Determining Requirements:** For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

A. **Floor Area:**

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

B. **Places of Assembly:**

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

C. **Fractions:**

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

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

**Schedule of Off-Street Parking Spaces**

<u>Use</u>	<u>Parking Space Requirements</u>
Dwelling Units	Two (2) spaces for each family or dwelling unit.
Elementary and Junior High Schools, Private or Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students
Assembly Halls other than Schools	One (1) space for each four (4) seats
Churches, Auditoriums, Stadiums, Sports Arena, Theaters, Dance Halls,	One (1) space for each four (4) seats.

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Use	Parking Space Requirements
Hospitals	One (1) space for each bed plus one (1) space for each two (2) employees.
Medical and Dental Clinic	One (1) space for each two hundred (200) square feet plus one (1) space for each employee.
Hotels, Motels, Boarding Houses, Bed & Breakfasts	One (1) space for each living unit plus one (1) space for each two (2) employees.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
Business and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Supermarkets, Retail or Discount Stores	One (1) space for each two hundred (200) square feet of gross floor area.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Automobile, Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Automobile or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Manufacturing, Fabricating Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each two (2) employees on maximum shift.



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

### **SECTION 6.15 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

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

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

6.15.2 **Off-Street Loading Area Design:**

- A. Each off-street loading and unloading space shall not be less than ten (10) feet in width and seventy-five (75) feet in length with not less than fifteen (15) foot in height clearance.
- B. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- C. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

6.15.3 **Off-Street Loading Area Space Requirements:**

- A. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- B. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- C. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

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### **SECTION 6.16 - CONDOMINIUM SUBDIVISION APPROVAL**

Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium subdivision plans must be approved by the Planning Commission. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer, and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act (PA 59 of 1978, MCL 559.101 *et seq.*).

- 6.16.1 **Site Plan Review:** Prior to recording the master deed required by the Condominium Act, the condominium project shall undergo Site Plan Review and approval pursuant to Article 7 of this Ordinance.
- A. **Additional Information Required:** Concurrently with notice required to be given the Township of Spring Arbor pursuant to Section 71 of the Condominium Act (PA 59 of 1978, MCL 559.101 *et seq.*), a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
1. The name, address and telephone number of:
    - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example; fee owner, optionee, or land contract vendee).
    - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
    - c. The developer or proprietor of the condominium project.
  2. The acreage content of the land on which the condominium project will be developed.
  3. Approximate number of condominium units to be developed in the subject parcel.
- B. **Certification:** Certification by a registered professional engineer that the sewer and water have been constructed in accordance with the plans and specifications shall be required. The developer shall also submit costs and a set of "As Built" plans prior to the issuance of any Certificates of Occupancy.
- C. **Master Deed, Restrictive Covenants and "As Built" Surveys:** The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

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### 6.16.2 **Monuments Required:**

All condominium projects shall be marked with monuments as provided in this subsection:

- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project, if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
- B. All subdivision or project boundary monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and common elements.
- D. If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter or other approved markers.
- H. The Planning Commission for the Township of Spring Arbor may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit in favor of the Township of Spring Arbor, whichever the proprietor selects, in any amount not less than Twenty-five (\$25.00) Dollars per monument and not less than One Hundred (\$100.00) Dollars in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

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- 6.16.3 **Compliance with Federal, State and Local Law:** All condominium projects shall comply with Federal and State Statutes and local Ordinances. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.
- 6.16.4 **Temporary Occupancy:** The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township.
- 6.16.5 **Single Family Detached Condominiums:** Single family detached condominiums shall be subject to the same zoning requirements of the applicable Zoning District in which they are located unless a conditional use PUD has been granted by the Planning Commission. For the purpose of computing density, the number of units per gross acre shall not exceed 2.9 units per acre in developments without community water and sanitary sewer systems, or 3.8 units per acre in developments with community water and sanitary sewer systems. Building envelopes shall be depicted on the site plan to ensure that these requirements are met.
- 6.16.6 **Multiple Family Condominiums:** Two family or multiple family condominiums shall be located only in those Zoning Districts allowing two (2) family or multiple-family dwellings, and shall be subject to all of the requirements and standards of the Zoning District in which they are located.

#### **SECTION 6.17 - ESSENTIAL SERVICES**

- 6.17.1. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such services does not violate any other applicable provision of this Ordinance.
- 6.17.2 Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot except as otherwise permitted in this Ordinance.

#### **SECTION 6.18 – PUBLIC SANITARY SEWER AND WATER SUPPLY SYSTEMS**

- 6.18.1 **Extension of Public Sanitary Sewer and Water Supply Systems Within Residential, Commercial and Industrial Developments to Serve Adjacent Property:**

The owner or developer of lands in the Township proposed for residential, commercial or industrial development for which site plan or subdivision approval is required and received after January 1, 2006, shall be required to extend the Available Public Sanitary Sewer System and the Available Public Water Supply System through the property or development to serve adjacent property. The extension of the sewer or water main shall be in a public or private road unless a different location is approved by the Township Planning Commission and shall be within an easement dedicated to the public if not located in a public street right of way.

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6.18.2 **Extension of Public Sanitary Sewer and Water Supply Systems to Residential Developments:**

The owner or developer of lands in the Township proposed for residential development for which site plan or subdivision approval is required and received after January 1, 2006, shall be required to extend the public sanitary sewer and water supply systems and connect the premises so developed to the public sanitary sewer and water supply systems subject to the conditions for sewer and water connections set forth in Section 6.18.4 of this Ordinance and Township Ordinances #62 (Sanitary Sewer) and #19 (Water Supply), if the distance measured in feet from the nearest edge of the proposed residential development to the nearest point of the public sanitary sewer or water supply systems when divided by the number of units or lots proposed for the residential development equals 100 feet or less. For purposes of this subsection the number of units or lots in a proposed residential development shall include all units or lots in all phases of the development whether proposed for development or previously developed. This Subsection 6.18.2 shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the public sanitary sewer or water supply systems.

6.18.3 **Extension of Public Sanitary Sewer and Water Supply Systems to Residential, Commercial and Industrial Developments to Protect the Public Health:**

The owner or developer of lands in the Township proposed for residential, commercial or industrial development for which site plan or subdivision approval is required and received after January 1, 2006 shall be required to extend the public sanitary sewer and water supply systems and connect the premises so developed to the public sanitary sewer and water supply systems subject to the conditions for sewer and water connections set forth in Subsection 6.18.4 of this Ordinance and Township Ordinances #62 (Sanitary Sewer) and #19 (Water Supply), regardless of the distance from the nearest public sanitary sewer or water supply systems if the Township Planning Commission determines in the exercise of its reasonable discretion that the extension and connection are necessary to protect the public health.

6.18.4 **Conditions for Extension of Sanitary Sewer or Water Supply System by Property Owner:**

If connection to the sanitary sewer or water supply system is required by Subsection 6.18.2 or Subsection 6.18.3 of this Ordinance but there is no Available Public Sanitary Sewer System or Available Public Water Supply System adjacent to the premises such extensions shall be in accordance with the following requirements unless modified by the terms of a written agreement between the Township and the property owner:

- A. The sewer and water mains shall be extended to the premises in a public right of way or in an easement owned by the public to the premises in question. If the sanitary sewer or water supply system is to be extended for the purpose of serving a new development, including but not limited to a condominium, site condominium, subdivision or division of land which involves the installation of a new public or private

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road the sewer and water mains shall be extended throughout such new roads so that the sewer abuts all units or lots within the development. All sewer or water main extensions shall be located within an easement dedicated to the public, if not located in a public street right of way.

- B. If a sewer or water main is extended to a premises, the main shall be installed across the entire frontage of the premises served, to the border of the adjacent premises. For developments for which a new public or private road is constructed the sewer or water main shall be extended across the entire frontage development of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All sewer or water main extensions shall be located within an easement dedicated to the public if not located in a public street right of way.
- C. The sewer or water main shall be constructed in accordance with specifications approved by the Township.
- D. Upon completion of the sewer or water main, verification by the Project Engineer that it has been properly constructed, and proof that all contractors have been paid for the costs thereof (including lien waivers if requested), the sewer or water main shall be dedicated to the Township, without cost to the Township. Upon acceptance of dedication the Township shall thereafter be responsible for maintenance of the sewer or water main. The Township shall be assigned or be a third party beneficiary of, all construction contracts and material and equipment warranties.

#### 6.18.5 **Definitions:**

As used in this Section 6.18 the following terms have the following respective meanings:

- A. **Available Public Sanitary Sewer System:** A public sanitary sewer system located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passes not more than two hundred (200) feet at the nearest point from a structure in which sanitary sewage originates.
- B. **Available Water Supply System:** A public water supply system located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts the property and passes not more than four hundred (400) feet at the nearest point from a structure in which water service is required.

### **SECTION 6.19 – OUTDOOR WOOD-FIRED FURNACES**

#### 6.19.1 **Permits:**

The owner of the property shall obtain all required permits as determined by the zoning administrator prior to installation and all required inspections shall be completed and approved prior to the use of the outdoor wood-fired furnace.

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### 6.19.2 **Location:**

The outdoor wood-fired furnace shall be installed and used only on a lot that is zoned AG-1 or RNF-1 and has a minimum size of one acre. The outdoor wood-fired furnace shall be located at least five hundred (500) feet from the nearest building which is not on the same property as the outdoor wood-fired furnace and at least twenty (20) feet from the nearest structure on the same property as the outdoor wood-fired furnace.

### 6.19.3 **Other standards:**

- A. The outdoor wood-fired furnace shall be UL listed.
- B. The chimney height shall be determined by the manufacturer's specifications and operation of the outdoor wood-fired furnace must comply with Section 4.6.2 of this Ordinance.
- C. The outdoor wood-fired furnace shall burn only clean wood. It shall not be used to burn refuse, lawn or construction materials.
- D. The lawful use of a nonconforming outdoor wood-fired furnace existing at the time of adoption or amendment of this ordinance may be continued although such furnace does not conform to the provisions of this ordinance. Notwithstanding the foregoing, a nonconforming or conforming outdoor wood-fired furnace shall not be used or operated in such a manner which constitutes a nuisance or causes a condition which is hazardous to human health or is prohibited by any applicable federal, state or local statutes, ordinances or regulations.

## **SECTION 6.20 – ADULT FOSTER CARE SMALL GROUP HOME**

- 6.20.1 All Adult Foster Care Small Group Homes shall be subject to the following additional regulations:
- A. Located not closer than 1,500 feet to another licensed group day-care home; another adult foster care small group or large group home; a facility offering substance abuse treatment and rehabilitation to seven (7) or more people; or a community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
  - B. Appropriately fenced for the safety of the residents of the Adult Foster Care Home, as determined by the Township Board.
  - C. The property shall be maintained in a manner consistent with the visible characteristics of the neighborhood.
  - D. Is subject to the regulations of Article 9.
  - E. Meets the off-street parking requirements of the Spring Arbor Township Zoning Ordinance.

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- 6.20.2 Adult Foster Care Homes located in those districts which permit such homes as a conditional use must also follow the procedures set forth in Article 5.

#### **SECTION 6.21 – BIOFUEL PRODUCTION FACILITY (see definition)**

- 6.21.1 A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to conditional land use approval if all of the following requirements are met:
- A. The biofuel production facility is located on a farm.
  - B. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the zoning ordinance.
  - C. On an annual basis, not less than seventy-five (75%) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75%) of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
- 6.21.2 Each of the following is a permitted use of property if it receives special land use approval under Subsections 6.21.3 to 6.21.5:
- A. A biofuel production facility with an annual production capacity of not more than one- hundred thousand (100,000) gallons of biofuel that meets the requirements of Subsections 6.21.1.A and 6.21.1.B but that does not meet the requirements of Subsection 6.21.1.B.
  - B. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of Subsections 6.21.1.A and 6.21.1.B.
- 6.21.3 An application for conditional land use approval for a biofuel production facility described in Subsection 6.21.2 shall include all of the following:
- A. A site plan as required under Section 5.3, including a map of the property and existing and proposed buildings and other facilities.
  - B. A description of the process to be used to produce biofuel.
  - C. The number of gallons of biofuel anticipated to be produced annually.
  - D. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
  - E. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30



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(supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.

- F. Information that demonstrates that the biofuel production facility will comply with the requirements of Subsections 6.21.2 and 6.21.5.
  - G. Any additional information requested by the Zoning Official and Planning Commission and relevant to compliance with Article 5.
- 6.21.4 A local unit of government shall hold a hearing on an application for conditional land use approval under subsection 6.21.2 not more than 60 days after the application is filed. The notice required under Section 17.3 shall provide notice of the hearing.
- 6.21.5 Conditional land use approval of a biofuel production facility described in Subsection 6.21.2 shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
- A. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
  - B. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - 1. Air pollution emissions.
    - 2. Transportation of biofuel or additional products resulting from biofuel 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.
  - C. The biofuel production facility includes sufficient storage for both of the following:
    - 1. Raw materials and fuel.
    - 2. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

#### **SECTION 6.22 – ADDITIONAL REQUIREMENTS FOR MEDICAL MARIHUANA**

##### **6.22.1 Medical marihuana caregiver grow operations**

- A. An application for a medical marihuana caregiver grow operation certificate of occupancy shall be made in writing to the zoning administrator, who is authorized to create application forms and to receive and process applications and to thereafter

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grant, deny, suspend, or revoke said certificate of occupancy as set forth in this article. Applications shall be on forms supplied by and to be filed with the zoning administrator. Such application shall be signed and dated by the applicant. The application shall contain the following information, plus any other information deemed necessary by the zoning administrator:

1. The name and any alias used, address, and telephone number of the applicant;
2. The location of the medical marihuana caregiver grow and a brief description of the amount of marihuana to be distributed, or number of plants to be grown on the premises, if any;
3. A copy of the medical marihuana registry card for each qualifying patient and the primary caregiver, if any;
4. The applicant's criminal record, if any;
5. An authorization for the zoning administrator and/or the chief of police to carry out a background investigation on the applicant;
6. Proof of ownership, by the applicant, of the property on which the proposed marihuana caregiver grow operation will be located;
7. An acknowledgment by the applicant that he or she, as well as his or her qualifying patients, may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, and that Spring Arbor Township accepts no legal liability in connection with the approval of a medical marihuana caregiver grow operation; and
8. A statement that the information provided is true and accurate and that, if a certificate of occupancy is granted, the applicant will abide by all applicable ordinances and statutes.

The names and other identifying information of any qualifying patient or registered primary caregiver gathered for the purposes of this chapter shall be exempt from disclosure pursuant to the MMMA.

- B. All certificates of occupancy are subject to the following conditions, which shall be noted on the application form:
1. The applicant shall permit inspection of the premises and/or activity at reasonable times by any authorized representative of the Township;
  2. The applicant shall not operate a medical marihuana caregiver grow operation after the certificate of occupancy is suspended or revoked; and
  3. No certificate of occupancy shall be issued unless and until the applicant, if deemed necessary by the chief of police, submit to being fingerprinted and photographed as part of the background investigation.

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- C. Any person who has been under any sentence, including parole, probation, or actual incarceration, for the commission of a felony within five (5) years preceding the date of application shall be disqualified from receiving a certificate of occupancy to operate a medical marijuana caregiver grow operation.
- D. The zoning administrator shall issue a certificate of occupancy to the applicant if the zoning administrator is satisfied that the applicant has met the requirements of this article and all applicable state and local laws, and the applicant has paid the certificate of occupancy fee.
- E. A certificate of occupancy issued pursuant to this article does not eliminate the need for the applicant to obtain other licenses and permits (i.e., building, mechanical, electrical, plumbing, water and sewer, etc.) required for the operation of a medical marijuana caregiver grow. The pertinent inspectors must provide a report confirming that all lights, plumbing, equipment, and all other means proposed to be used to cultivate marijuana plants are in accordance with applicable code(s).
- F. Medical marijuana caregiver grow operation shall not be permitted as a home occupation.
- G. No medical marijuana caregiver grow operation may operate in close proximity to sites where children are regularly present or a residential zoning district. Such operations must adhere to the following minimum distances:
  - 1. More than 1,000 feet from a daycare facility (see PA 110 of 2006);
  - 2. More than 1,000 feet from a church, synagogue, mosque, or other religious institution;
  - 3. More than 1,000 feet from a public park or community center, library, or township hall;
  - 4. More than 1,000 feet from a public or private pre-school, elementary school, high school, community college (recognizing drug-free school zones), including all other schools that have different name references but serve students of the same age;
  - 5. More than 1,000 feet from an [adult use] as defined by this Ordinance;
  - 6. More than 1,000 feet from another medical marijuana caregiver grow operation or a medical marijuana home use; and
  - 7. More than 500 feet from a residential zoning district.
  - 8. More than 300 feet from any public roadway.
- H. The primary caregiver may cultivate up to 60 marijuana plants provided that not more than 12 marijuana plants are cultivated per qualifying patient, not including the caregiver. The primary caregiver may cultivate up to 12 additional marijuana plants if he or she is also a qualifying patient. The plants maintained for each quali-

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fying patient must be kept in a separate locked facility, as defined by the MMMA, and accessible only to the primary caregiver and the qualifying patient.

- I. The primary caregiver may possess up to 12½ ounces of marihuana provided that not more than 2½ ounces are possessed per qualifying patient, not including the caregiver. The primary caregiver may possess up to 2½ ounces of additional marihuana if he or she is also a qualifying patient. An incidental amount of seeds, stalks, and roots may also be retained by the primary caregiver.
- J. Consumption of medical marihuana shall not be permitted on the site of a medical marihuana caregiver grow operation.
- K. No person under the age of eighteen (18) shall be permitted on the site of the medical marihuana caregiver grow operation unless the person is a registered qualifying patient.
- L. A caregiver grow operation shall not be permitted to have drive-through facilities.
- M. The operator of a medical marihuana caregiver grow operation shall keep a written record in English, on a form available from the Township, of all marihuana located on the premises and of all marihuana or marihuana products distributed and such other information designated on the form. Copies of registry cards for all current qualifying patients and the care giver must be maintained with this record.
- N. There is no authorization for marihuana-related stores, dispensaries, cooperatives, or other businesses that do not meet the regulations set by this section for a medical marihuana caregiver grow operation or medical marihuana home use and may market to a wide customer base (see Michigan Attorney General Opinion No. 7259 of 2011.)

#### **6.22.2 Medical Marihuana Home Use**

- A. No person may engage in the activities of a primary caregiver unless a qualifying patient also resides in the home. The primary caregiver may only grow plants for use by the qualifying patient and the primary caregiver if he or she is also a qualifying patient.
- B. A person engaging in the activities of a primary caregiver may only grow marihuana plants in his or her primary residence.
- C. No medical marihuana home use may operate in close proximity to sites where children are regularly present. Such operations must be more than 1,000 feet from a public or private pre-school, elementary school, high school, college or university (recognizing drug-free school zones), including all other schools that have different name references but serve students of the same age.
- D. No more than 24 marihuana plants may be grown in a medical marihuana home use, this number being 12 plants for a registered qualifying patient, not including the caregiver, plus 12 plants if the primary caregiver is also a registered qualifying pa-

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tient. The plants maintained for each qualifying patient must be kept in a separate locked facility, as defined by the MMMA, and accessible only to the primary caregiver and the qualifying patient.

- E. A primary caregiver, on behalf of a qualifying patient with whom the primary caregiver resides, may possess an amount of medical marijuana that does not exceed 2½ ounces of usable marijuana (and an additional 2½ ounces if the primary caregiver is also a qualifying patient) , plus an incidental amount of seeds, stalks, and roots.
- F. The use of the dwelling unit as a medical marijuana home use must be clearly incidental and subordinate to its use for residential purposes and no more than 20% of the gross floor area of the dwelling may be used in any way for the medical marijuana home use.
- G. No change may occur to the outside appearance of the dwelling and no signs may be posted on the dwelling or lot advertising the medical marijuana home use.
- H. Equipment not normally used for purely domestic or household purposes or any portion of the dwelling where energy use and heat generation resulting from the growth of marijuana exceeds levels reasonably attributable to residential uses are permitted if the chief zoning official, or his or her designee, approves such use. The zoning administrator must approve of such use if he or she is satisfied that the intensity of use will not be increased to a level that will adversely impact any lot within 300 feet of the dwelling and that any energy use and heat generation resulting from the growth of marijuana exceeding levels reasonably attributable to residential uses has been approved by the fire chief and the zoning administrator.
- I. No activity related to the medical marijuana home use occurring on the premises may adversely impact the surrounding neighborhood or the right of surrounding residents to quiet enjoyment of their property, including but not limited to, the creation of noise, vibrations, odors, heat, glare, unnatural light, or electrical interference detectable beyond the property line.
- J. Storage and manufacture of medical marijuana shall only be permitted inside of an enclosed, locked facility such as a closet, room or other closed area equipped with locks or other security devices that only permit access by the qualifying patient or registered primary caregiver.
- K. Qualifying patients, and their primary caregivers, may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, and Spring Arbor Township accepts no legal liability in connection with the approval and operation of the medical marijuana home use; and
- L. There is no authorization for marijuana-related stores, dispensaries, cooperatives, or other businesses that do not meet the regulations set by this section for a medical marijuana home use or medical marijuana caregiver grow operation and may market to a wide customer base (see Michigan Attorney General Opinion No. 7259 of 2011.)

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# Article 7

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It is the purpose of this Article to require site plan approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources.

### **SECTION 7.1 - WHEN SITE PLAN REVIEW IS REQUIRED**

- 7.1.1 **Regulated Projects:** Site plan review and approval is required for certain existing uses and for all proposed uses within the Township, except as provided in Section 7.7 of this Ordinance, one-family detached dwellings and agricultural uses. Site plan review and approval shall also be required for the following buildings, structures, and uses:
- A. Condominium projects including Site Condominiums subject to the Condominium Act in accordance with the provisions specified in Section 6.16.
  - B. A multiple-family building containing three (3) or more dwelling units.
  - C. More than one multiple-family building, of any size, on a lot or parcel of land, or on a combination of lots under one ownership.
  - D. A Mobile Home Park in accordance with the regulations specified in Article 5, specifically subsection 5.9.8.
  - E. Any new building or structure in a commercial, office, or industrial district.
  - F. Any addition to an existing building or structure in a commercial, office, or industrial district, except as provided in Section 7.7 of this Ordinance.
  - G. A use permitted in any commercial and industrial district which does not involve a building, such as, but not limited to, outdoor sales, outdoor displays, and storage of wrecked vehicles.
  - H. Any principal non-residential building or structure permitted in residential districts and any principal building or structure, except farm buildings, permitted in an agriculture district.
  - I. Public utility buildings, and structures, but not including poles and telephone repeater buildings.
  - J. Conditional uses when required.
  - K. PUD or Open Space developments.
  - L. Commercial telecommunication facilities and associated structures.
  - M. Intensive Livestock Operations.
  - N. Quarries, in accordance with the regulations specified in Article 11a. (see definition)

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- 7.1.2 **Phased Projects:** If a project is phased, subsequent phases must be submitted to the Zoning Administrator or his/her designee for review. If it is deemed necessary, the project will be referred back to the Planning Commission for Site Plan Review.
- 7.1.3 **Construction Permits:** The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of, or an addition to, any of the above listed buildings or developments, until a final site plan has been approved by the Township Planning Commission.

### **SECTION 7.2 – PROCEDURE FOR SITE PLAN REVIEW**

- 7.2.1 **Pre-application Meeting:** Prior to a hearing before the Planning Commission on a site plan, it is required that the applicant arrange to have a Pre-application meeting with the Township Zoning Administrator and Township Officials to review the proposed plan and determine whether it meets the requirements of the Township Zoning Ordinance. The applicant or their representative must be present at such meeting, and shall have with him/her, if not previously provided, all of the exhibits, plans, and documentation necessary to establish that the proposal meets the requirements of the Township Zoning Ordinance for site plan approval.
- A. Pre-application meetings shall be conducted for sketch plans subject to the following criteria:
1. The sketch plan shall be approximately to scale though it need not be to the precision of a finished engineering drawing; and it should clearly show the following information:
    - a. Boundaries of the property.
    - b. The location of the various uses and their area in acres.
    - c. The location and height of all buildings and parking facilities.
    - d. The interior roadway system and all existing rights-of-way and easements, whether public or private.
    - e. Delineation of the various areas and approximate percentage allocation by unit type.
    - f. The interior open space system.
    - g. The overall drainage system in topographic form showing existing and proposed contour intervals of not more than two (2) feet of elevation. If grades exceed three percent (3%), or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, the topographic map provided shall also include an overlay outlining the above susceptible soil.
    - h. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.



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- i. A location map showing uses and ownership of abutting lands.
  - j. General statement as to how common open space is to be owned and maintained.
  - k. If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be phased, the Sketch Plan of this section shall show the intended total project.
- B. The pre-application reviewers shall review the Sketch Plan and related documents for the following findings:
1. The proposal conforms to the Master Plan.
  2. The proposal meets the intent, objectives, and general requirements of the District as expressed in the Ordinance.
  3. The proposal is conceptually sound in that it meets a community need and conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, and drainage system.
- C. The Zoning Administrator or his/her designee shall review with the applicant the process for Site Plan Review, including all necessary documentation & submission requirements.

#### 7.2.2 **Submission and Review of Application for Major Projects:**

- A. **Major Projects:** All developments greater than twenty-five thousand (25,000) square feet of structure, or larger than two (2) acres of size, as well as all Planned-Unit Residential and Planned Commercial projects are major projects which require Preliminary and Final Site Plan Review by the Planning Commission pursuant to the requirements below. All other projects subject to review and approval by the Planning Commission are processed pursuant to the requirements in Section 7.4, Final Site Plan Approval.
- B. **Submission Requirements:** At least four (4) weeks prior to the desired date for Site Plan Review, the applicant shall submit to the Township Clerk a minimum of four (4) twenty-four (24) inch by (x) thirty-six (36) inch copies of the site plan as well as other data and exhibits hereinafter required in Section 7.6, the completed application form and required fees.
1. The Township Clerk, upon receipt of the application, fees and required materials, shall transmit them to the Zoning Administrator for review and certification.
  2. The Zoning Administrator shall certify when all of the necessary application materials have been submitted and shall then forward one copy of the Site Plan to the Township engineer for review and recommendation.

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When engineering recommendations are available to the Township, the findings will be forwarded to the applicant for site plan revision.

3. **Public Hearing:** The Township shall establish a public hearing for the site plan and notice it in conformance with Section 17.3 of this Ordinance.

- C. **Preliminary Site Plan Review:** At the Site Plan Review meeting the Site Plan shall be reviewed by the Township Planning Commission. The purpose of such preliminary review is to confirm compliance with Township standards, policies and relationship to the Master Plan, as well as compatibility with existing uses and long range planning objectives. The Planning Commission shall suggest changes required for final site plan approval. The applicant or their representative shall be present at such meeting, and shall have with him/her, all required documents and all supplemental material necessary to establish that the proposal meets the requirements of the Township Zoning Ordinance for site plan approval. Every preliminary site plan shall be designed and prepared by a registered professional architect or engineer.

### 7.2.3 **Final Site Plan Review:**

- A. **Information Required for Review:** Every final site plan submitted for review under this Article shall contain information as required Section 7.4.
- B. **Planning Commission Action:** All final site plans shall be considered on the first available Planning Commission agenda.
  1. **Approval.** Upon finding that the application and site plan meet the criteria for Site Plan Review in Section 7.3, the Planning Commission shall approve the site plan.
  2. **Approval with Minor Revisions.** Upon finding the application and site plan meet the criteria for Site Plan Review in Section 7.3, except for minor revisions, the Planning Commission may approve the site plan conditioned upon said revisions being made by the applicant and reviewed by appropriate Township staff and/or consultants.
  3. **Tabling.** Upon finding that the application and site plan do not, but could, meet the criteria for Site Plan Review in Section 7.3, upon making revisions, the Planning Commission may table action for a specified period of time not to exceed ninety (90) days, until the revised plan is resubmitted to the Planning Commission.
  4. **Denial.** Upon finding that the application and site plan do not meet one or more of the criteria for Site Plan Review in Section 7.3, and that the revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the Planning Commission shall deny the site plan.

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5. Notwithstanding any language contained in subparagraph 1 above, no site plan approval for a condominium project shall be final until such time as the applicant records a master deed for the project with the Jackson County Register of Deeds office and submits applicable Spring Arbor Township lot recording fees.
- C. **Filing of Approved Site Plan:** Upon approval of the final site plan, the applicant / owner & Planning Commission Chairman or his/her designee shall sign two (2) copies of the plan, stamped and dated as "approved" plans. One (1) copy will be transmitted to the applicant and one (1) copy will be filed with the Zoning Administrator for Township reference and records.
- D. **Effect of Approval:** Approval of a final site plan by the Planning Commission authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of zoning compliance. Approval shall expire and be of no effect after three hundred and sixty-five (365) days following approval by the Planning Commission unless a building permit, when required, is applied for and granted, within that time period. Approval shall expire and be of no effect five hundred forty-five (545) days following date of approval even if building permit has been issued and has not expired unless construction has begun and is being diligently pursued to completion. In the event that approval shall expire, if progress is being made, the Zoning Administrator may extend approval for a period not to exceed six (6) months. Thereafter, or absent an extension granted by the Zoning Administrator, a re-application with a showing of good cause shall be made to the Planning Commission. The Planning Commission may extend the time limits upon a showing of good cause.

### **SECTION 7.3 – CRITERIA FOR SITE PLAN REVIEW**

The site plan shall be reviewed and approved upon a finding that the following criteria are met:

- 7.3.1 **Public Welfare:** The proposed use will not be injurious to the general health, safety and welfare of the Township and surrounding neighborhood.
- 7.3.2 **Area Impact:** The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas shall be such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- 7.3.3 **Engineering Approval:** The design of storm sewers, storm water facilities, roads, parking lots, driveways, water mains, sanitary sewers, and other site improvements shall be approved by the designated Township Engineer and meet the design and construction standards of the Township.
- 7.3.4 **Emergency Vehicle Access:** Proper access to all portions of the site and all sides of any structure shall be provided. All structures or groups of structures will be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, out-

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door furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.

- 7.3.5 **Natural Resources:** Site planning and design of specified improvements shall accomplish, to the extent reasonably feasible, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, flood plains, steep slopes, ground water, trees and wooded areas.
- 7.3.6 **Hazardous Materials:** Sites which include storage of hazardous materials waste, fuels, salt or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the air or to the ground, ground water or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.
- 7.3.7 **Site Design:** The location of buildings, parking, drives, landscaping, and other improvements on the site shall be appropriate and consistent with good design standards for the lot size, shape and general location.
- 7.3.8 **Landscaping:** Landscaping, including grass, trees, shrubs, and other vegetation shall be provided to maintain and improve the aesthetic quality of the site and area.
- 7.3.9 **Ingress and Egress:** The means of ingress and egress to and from the site shall be planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off the site. In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location, and design of access points, and utilization of acceleration, deceleration, passing lanes and approaches. The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require improvements accordingly.
- 7.3.10 **Ordinance Compliance:** The site plan shall comply with all Township Ordinances.
- 7.3.11 **Supplementary Conditions:** Any other conditions deemed necessary by the Planning Commission to carry out the spirit and intent of this Zoning Ordinance shall be agreed upon and noted.

#### **SECTION 7.4 – INFORMATION REQUIRED ON SITE PLAN**

A site plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review and recommendation. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of not less than 1" = 50' for property less than 3 acres or 1" = 200' for property of three or more acres and of such accuracy that the Planning Commission can readily interpret the site plan. Included on the site plan shall be all dimensions and the following:

- 7.4.1 **General Information:**
- A. Proprietors', applicants', and owners' names, addresses and telephone numbers. Letter of authority from owner if applicant is not owner.
  - B. Date (month, day, year), including revisions.

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- C. Title Block.
- D. Scale.
- E. North Point.
- F. One (1) square mile location map drawn at a scale of 1" = 1000'
- G. A stake survey of the property by a registered surveyor if required by the Zoning Administrator.
- H. A detailed drawing setting forth the size, location, and type of construction of any signs to be placed on the parcel if required by the Zoning Administrator.
- I. Architect, engineer, surveyor, landscape architect, or planner's seal.
- J. Existing & proposed lot lines, building lines, structures, parking areas, etc., on the parcel, and within 100' of the site.
- K. Centerline and existing proposed right-of-way lines of any street.
- L. Zoning classification of petitioner's parcel and all abutting parcels.
- M. Gross acreage figure and percentage of parcel coverage.
- N. Proximity to major thoroughfares and section corners.

### **7.4.2 Physical Features:**

- A. Acceleration, deceleration, passing lanes and approaches.
- B. Proposed locations and dimensions of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing, and areas for public use.
- C. Location of existing and proposed service facilities above and below ground, including:
  - 1. Well sites.
  - 2. Septic systems and other waste water treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly distinguished.
  - 3. Chemical and fuel storage tanks and containers.
  - 4. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
  - 5. Water mains, hydrants, pump houses, stand pipes, and building services and sizes.
  - 6. Sanitary sewers and pumping stations, where applicable.

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7. Storm water control facilities and structures including storm sewers, swales, retention, and detention basins, drainage ways and other facilities, including calculation for sizes.
8. Locations, dimensions and purpose of all easements.
- D. All structures with dimensioned floor plans, setback and yard dimensions and typical elevation views.
- E. Dimensional parking spaces and calculation, drives, and method of surfacing.
- F. Exterior lighting locations and illumination patterns.
- G. Location and description of all existing and proposed landscaping berms, fencing, and walls.
- H. Trash receptacle and Transformer pad location and method of screening.
- I. Dedicated road or service drive locations.
- J. Entrance details including sign locations and size.
- K. Designation of fire lanes.
- L. A report from the Jackson County Department of Transportation as to the traffic capacity of the public road adjacent to the site together with a statement from the Department of Transportation indicating current traffic volume on said road.
- M. Any other pertinent physical features.
- N. Road right-of-ways shall meet Jackson County Department of Transportation standards, and construction shall be built to Department of Transportation specifications for base and material.

### 7.4.3 **Natural Features:**

- A. Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions must be indicated. Grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
- B. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
- C. Location of existing wetlands.
- D. Location of natural resource features, including woodlands and areas with slopes greater than ten (10) percent (one foot of vertical elevation for every 10 feet of horizontal distance).

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- E. A wetlands permit, if necessary, from the Michigan Department of Environmental Quality, as required by Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act (PA 451 of 1994, MCL 324.30301 *et seq.*).
- F. A storm water management system and facility that complies with standards set forth by the Jackson County Drain Commissioner and approved by Spring Arbor Township Engineer.

### 7.4.4 **Additional Requirements for Multiple Family:**

- A. Density calculations by type of unit by bedroom counts.
- B. Designation of units by type and number of units in each building.
- C. Garage locations and details.
- D. Specific amount and location of recreation spaces, open spaces and common areas.
- E. Type of recreation facilities to be provided in recreation space.
- F. Details of community building and fencing of swimming pool if proposed.

### 7.4.5 **Additional Requirements for Commercial and Industrial Developments:**

- A. Loading and unloading areas.
- B. Total and usable floor area.
- C. Number of employees and constituents in peak usage.

7.5.5 **Representation:** The owner shall present the plan and be accompanied by an engineer, architect, or contractor to fully explain the plan unless the requirement for one of the professionals is waived by the Zoning Administrator.

## **SECTION 7.5 – UTILITIES**

Utility plans for a particular site which involves Township provided sewer or water, shall be submitted to the Township Engineer for review and approval. Proposed utilities shall conform to Township approved standards. Extension of public sewer or water lines shall be carried the full width of the parcel of land and shall be located in the road right of way when practicable.

## **SECTION 7.6 – PHASING OF DEVELOPMENT**

An applicant may divide a proposed development into two or more phases with the approval of the Planning Commission. Such phasing shall be in conformance with Section 7.1.2. Future development beyond approved phases shall not appear on the approved final site plan. A phased development shall not be developed in phases exceeding a total of five (5) years for all of the phases.

## **SECTION 7.7 – EXEMPT BUILDINGS, STRUCTURES AND USES**

Except as provided herein, Article 7 shall not apply to the replacement, repair of, or adding of an addition which does not exceed five thousand (5,000) square feet or fifty (50) percent of original structure, whichever is less, or the alteration of buildings, structures or parking lots on commercial, indus-

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trial or office structures and uses where the proposed improvement meets all of the requirements of this Zoning Ordinance, the Spring Arbor Township Building, Electrical, Plumbing and Mechanical Codes, and where the existing use is not materially changed in nature or character. In such case, the Zoning Administrator may authorize a Zoning Compliance Permit for the construction of the improvement without a site plan review. In the event that the proposed improvement requires additional property, a conditional use, a variance, or substantially and materially changes the existing use, then the Zoning Administrator shall refer the proposed improvement to the Planning Commission for a site plan review subject to all of the criteria set forth in Article 7. The Zoning Administrator in his/her discretion shall decide whether a site plan review is necessary to carry out the spirit and intent of this Zoning Ordinance.

### **SECTION 7.8 - ADMINISTRATIVE REVIEW**

In the following cases, the Township may designate an administrative official to approve a site plan without submission to the Planning Commission, but subject to all of the above criteria, requirements and standards.

- 7.8.1 **Accessory uses:** Incidental to a conforming existing use where said use does not require any variance or further site modifications.
- 7.8.2 **Additional loading and unloading spaces and landscape improvements:** Provision as required by Ordinance.

### **SECTION 7.9 – NOTICE OF ACTION OR RECOMMENDATION**

- 7.9.1 **Notation:** The Planning Commission Chairman shall note on the Final Site Plan application any findings, actions, conditions, or recommendations regarding that plan and return the application to the Township Clerk.
- 7.9.2 **Notice to Applicant:** The Township Clerk shall send written notice of the Planning Commission findings, actions, conditions, or recommendations along with any reasons provided to the applicant within 10 days.
- 7.9.3 **Disputing Conditions:** If the applicant has any questions or issues with any of the content of this communication, the applicant must bring it to the attention of the Zoning Administrator within 10 days of the postmarked date of the notification letter or forfeit any future rights to dispute facts.

### **SECTION 7.10 – BUILDING PERMITS AND CONFORMITY TO FINAL SITE PLAN**

Upon satisfaction of any conditions of approval required in the Final Site Plan Review, a building permit may be issued. All development and construction shall be in complete conformity with the site plan as approved, together with any conditions imposed. No certificates of occupancy shall be issued until the applicant has complied with Section 7.13.

### **SECTION 7.11 – AMENDMENT OF APPROVED SITE PLAN**

- 7.11.1 **Major Changes:** A site plan may be amended upon re-application and submittal of fees for engineering review and in accordance with provisions and the procedures provided in



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this Article for a final site plan. Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than Spring Arbor Township, are subject to the provisions of this Ordinance. The Township Zoning Administrator shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.

7.11.2 **Minor changes:** An approved final site plan may be incorporated without amendment to the approved preliminary site plan at the discretion of the Planning Commission.

7.11.3 **Change restrictions:** No deed recorded pursuant to an approved site plan may be changed, altered or amended, nor shall any document recorded pursuant to an approved site plan deviate from the site plan submitted to the Planning Commission by the alteration or changing of the area, size, dimension or lot lines of any lot or unit. All such changes must be resubmitted to the Planning Commission upon application and in accordance with the provisions and procedures provided in this Article for site plan review.

### **SECTION 7.12 – MODIFICATION DURING CONSTRUCTION**

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he/she shall do so at his/her own risk, without any assurance that the Township Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission of any such changes. The Zoning Administrator or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

### **SECTION 7.13 – INSPECTION**

The applicant shall be responsible for contracting with a registered professional engineer (Project Engineer) to oversee the construction of all site improvements. The Project Engineer shall inspect all site improvements – including, but not limited to: storm sewers, storm water facilities, roads, parking lots, driveways, water mains, and sanitary sewers for conformance to the final approved site plan. Upon completion of the site improvements, the applicant and Project Engineer shall certify, in writing, to the Zoning Administrator, that the construction site improvements conform to the final approved site plan. In addition, the Project Engineer shall prepare and submit to the Zoning Administrator a set of “As-Built” plans for all site improvements. No certificates of occupancy shall be issued until the certification and “As Built” plans have been received and reviewed by the Township.

### **SECTION 7.14 - VIOLATIONS**

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan unless the Planning Commission approves changes as provided in Section 7.11. Any violation of this Article, including any improvement not in conformance with an approved Final Site Plan, shall be deemed a violation of this Ordinance as provided in Article 14 and shall be subjected to the penalties therein.

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### **SECTION 7.15 - FEES**

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board. Site Plan approval will only be effective when all fees and bonds are paid.

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### **SECTION 8.1 - INTENT AND PURPOSE**

The open space development district is established as an overlay district applicable to all agricultural and rural districts.

- 8.1.1 It is the intent of this Article 8 to offer an alternative to traditional subdivisions through the use of Planned Unit Developments, as authorized by Section 503 (MCL 125.3503), and Open Space Preservation Developments, as authorized by Section 506 (MCL 125.3506) of the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, for the purpose of:
- A. Encouraging the use of Township land in accordance with its character and adaptability;
  - B. Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
  - C. Providing recreational facilities within a reasonable distance of all residents of the Open Space Development;
  - D. Allowing innovation and greater flexibility in the design of residential developments;
  - E. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
  - F. Ensuring compatibility or design and the use between neighboring properties; and,
  - G. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.
- 8.1.2 These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes which contrast with open space and other less intensive land uses. This Article is not intended as a device of ignoring the zoning regulations of the Township, the standards set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based.
- 8.1.3 These regulations are intended to result in a specific development substantially consistent with Zoning Ordinance standards, yet allow for modification from the general standards to ensure appropriate, fair, and consistent decision making.

### **SECTION 8.2 - SCOPE**

For the purpose of the Section, as open space development is defined as a predominately single-family residential development in which dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties or other groupings of dwellings by substantial open space that is perpetually protected from development.

### **SECTION 8.3 - ELIGIBILITY CRITERIA**

To be eligible for open space development consideration, the applicant must present a proposal for residential development that meets each of the following:

- 8.3.1 **Recognizable Benefits:** An open space development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in

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the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high quality architectural design, extensive landscaping, unique site design features and unified access. Open space developments also serve as transitional areas from adjacent residential land uses, preserve woodlands and open space, particularly along major thoroughfares, and buffer lakes, rivers, streams, and wetlands from development.

- 8.3.2 **Open Space:** The open space of the proposed development shall remain in an undeveloped state, providing the following open space benefits:
- A. **Significant Natural Assets:** The preservation of significant natural assets that would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development. Assets include but are not limited to, woodlands; individual trees over twelve (12) inch diameter, measured at breast height; rolling topography with grades exceeding fifteen percent (15%); significant views; natural drainage ways; water bodies; flood plains; regulated or non-regulated wetlands; and/or natural corridors that connect quality wildlife habitats. The Planning Commission shall issue a determination after review of a site analysis plan, prepared by the applicant that inventories these features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space development plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
  - B. **Recreation Facilities:** The preservation of existing recreation facilities or the provision of usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include recreation trails, picnic areas, children's play areas, and greenways. A golf course is not an acceptable use of dedicated open space.
- 8.3.3 **Guarantee of Open Space:** The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township, and the land uses continue as approved in the open space development plan.
- 8.3.4 **Cohesive Neighborhood:** The proposed development shall be designed to create a cohesive neighborhood through common open space areas for passive recreation and resident interaction. All open space areas shall be equally available to all residents of the open space development.
- 8.3.5 **Unified Control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of owner-

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ship or control in the form of agreements, contracts, covenant, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

- 8.3.6 **Density Impact:** The proposed type and density of use shall not result in an unreasonable increase in the need for, or impact to, public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance. The proposed type and density also shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Planning Commission may require that the applicant prepare an impact statement documenting the significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

The Planning Commission also may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the proposed open space development plan to assist in making this determination. In order to demonstrate that the impacts have been minimized to the extent practical, this comparison may take the form of the open space development and parallel (conventional) development plans imposed on a natural features map. If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the open space development.

- 8.3.7 **Township Master Plan:** The proposed development shall be consistent with and further the implementation of the Township's Master Plan.

#### **SECTION 8.4 - PROJECT DESIGN STANDARDS**

A proposed open space development shall comply with the following project design standards:

- 8.4.1 **Location:** An open space development may be approved within any of the following zoning districts:
- A. Agricultural District (AG-1)
  - B. Rural Non-Farm Residential District (RNF-1)
- 8.4.2 **Permitted Uses:** An open space development is generally restricted to single family detached or attached residential dwellings.
- 8.4.3 **Dwelling Density:** The number of dwelling units allowable within an open space development project shall be determined through preparation of a parallel plan.
- A. The applicant shall prepare, and present to the Planning Commission for review, a parallel design for the project that is consistent with state, county, and township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size, lot width, and setbacks as required under Section 4.6 and Appendix A, and public roadway improvements and private parks, and shall comply with storm water control standards as promulgated by the Jackson County Drain Commissioner. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of

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Environmental Quality. This design shall include all information as required by the guidelines adopted by the Planning Commission pursuant to Section 8.6

- B. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space development project.

8.4.4 **Water and Sewer Service:** If there is public water or sewer service available to the site on which an open space development is proposed, the Planning Commission encourages connection into those systems. An open space development project with lot sizes less than 15,000 square feet, must have access and be connected to public water and sewer.

8.4.5 **Open Space Requirements:**

- A. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access and parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. Grading in the open space shall be minimal, with the intent to preserve existing topography.
- B. An open space development shall maintain a minimum of fifty percent (50%) of the gross area of the site as dedicated open space held in common ownership, as directed by Section 506 of the Michigan Zoning Enabling Act (MCL 125.3506). Any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space, except as noted in Subsection 8.4.5C. A minimum of 10 percent (10%) of the open space shall be upland area that is accessible to all residents of the open space.
- C. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of this Section:
  - 1. The area of any street right-of-way.
  - 2. Any submerged land area.
  - 3. Any portion of the project used for commercial purposes.
  - 4. The required setbacks surrounding a residential structure that is not located on an individual lot or condominium site.
  - 5. Golf courses, playing fields, and other recreation facilities that are designed to shed storm water runoff and upon which large amounts of fertilizer are applied.
  - 6. 50 percent (50%) of the area of any wetland\*

\*Wetland, as defined by the Michigan Department of Environmental Quality (DEQ), is an area that has water present in a frequency and duration sufficient to support, and which under normal circumstances does support wetland vegetation or aquatic life. If any wetlands are present on the property to be devel-

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oped, a level 3 wetland assessment from the Geological and Land Management Division of the DEQ will be required with the Site Plan.

- D. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open space throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in natural wooded condition. The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting the frontage landscaping requirements.
- E. Connections with adjacent open space, public land, or existing or planned pedestrian/bike paths may be required by the Planning Commission.
- F. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission. Examples of acceptable conveyances include recorded deed restrictions or covenants that run perpetually with the land.
- G. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
  - 1. Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
    - a. Dumping or storing or any material or refuse;
    - b. Activity that may cause risk of soil erosion or threaten any living plant material;
    - c. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
    - d. use of motorized off-road vehicles;
    - e. Cutting, fitting, or removal of vegetation from wetland areas;
    - f. Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.
  - 2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - 3. Provide standards for scheduled maintenance of the open space.
  - 4. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or determined by the

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Township to be a public nuisance, assessing the costs to the property owners of the open space development.

- H. **Continuing Obligation:** The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
  - I. **Allowable Structures:** Any structure(s) or building(s) accessory to a recreation, conservation, or agriculture use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space area.
- 8.4.6 **Compatibility with Adjacent Uses:** The purposed location of accessory uses or structures that are a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts, and facilities of a similar nature shall not be located near the boundary of the development or so as to negatively impact the residential use of adjacent lands.
- 8.4.7 **Transition Areas:** Where the open space development abuts a single-family residential district, the Planning Commission may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to a single-family residential district is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commission may review the proposed transition area to ensure compatibility. The Planning Commission may require that the transition area consist of one or more of the following:
- A. A row of single-family lots or condominium sites similar to adjacent single-family development in terms of density, lot area, lot width, setbacks, and building spacing.
  - B. Woodlands, natural features, or a landscaped greenbelt sufficient to provide an obscuring effect.
  - C. Open or recreation space.
  - D. Significant changes in topography, which provide an effective buffer.
- 8.4.8 **Architectural and Site Element Design:** The Township encourages the utilization of creative architectural design that establishes distinctive unity where all homes share a thematic character. Building elevations shall be required for all structures other than single family dwellings.
- Signage, lighting, entryway features, landscaping, building material for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission may require street or site lighting where appropriate.



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- 8.4.9 **Access:** Direct access onto a county road or State highway shall be required to an open space development. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). Open space developments shall also meet or exceed the access standards contained in Subsection 4.6.3 and Article 11 of this ordinance.
- 8.4.10 **Internal Roads:** Internal roads within an open space development may be public or privately owned and maintained.
- A. Private roadways within an open space development must meet the design requirements of Article 11 of this Ordinance.
  - B. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Planning Commission.
  - C. Both sides of all internal roads shall be landscaped with street trees. For road frontage of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one canopy tree shall be provided on each side for every fifty (50) feet of roadway. Where feasible, existing trees shall be preserved within five (5) feet of the road right-of-way or easement and may be credited towards meeting this requirement.
- 8.4.11 **Pedestrian Circulation:** The Planning Commission may require the construction of sidewalks for open space developments. Trails within the open space development may be constructed of gravel, woodchips, or other similar material. The Planning Commission may, however, require construction of asphalt bike paths through portions of the development or along any public right-of-way abutting the open space development. The bike paths shall be built to current American Association of State Highway and Transportation Officials (AASHTO) standards. Locations for school bus stops also shall be provided on the site plan.
- 8.4.12 **Natural Features:** The development shall be designed to promote the preservation of natural features.
- A. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space development plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
  - B. The Planning Commission shall also require an undisturbed open space setback from the edge of any lake, pond, river, stream, or wetland. The setback will be a minimum width of fifty (50) feet. The Planning Commission may permit rails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

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- 8.4.13 **Existing Structures:** When a tract contains structures or buildings deemed to be of historic, cultural, or architectural significance, as determined by the Planning Commission, and if suitable for rehabilitation, the structures for residential use or permitted accessory residential uses shall be permitted.

### **SECTION 8.5 - OPEN DENSITY BONUS**

The Planning Commission may award a density bonus for an exemplary open space development of 40 Acres or larger. In order to qualify for a density bonus the applicant must demonstrate, to the satisfaction of the Planning Commission, that the proposed project exceeds the minimum standards for open space development eligibility under Section 8.3.

- 8.5.1 In order to qualify for a density bonus, all structures within the project, including single-family dwellings, shall be subject to architectural review by the Planning Commission. Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked rooflines, and massing, but there shall be a variation of front facade depth and rooflines to avoid monotony. Building elevations shall be required for all structures.
- 8.5.2 A density bonus of up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission, based upon a demonstration by the applicant of design excellence of the proposed open space development. In order to be considered for a density bonus, public sanitary sewer and water must serve an open space development. The project must have a high level of clustered development is dedicated as common open space. The following elements shall be considered when determining the open space density bonus, which shall not exceed a maximum fifteen percent (15%)
- A. **Housing Types and Densities:** An integrated mixture of housing types and densities is encouraged.
  - B. **Perimeter Transition Areas:** The development shall provide perimeter transition areas along the roadway and on all other sides of the development. The transition area shall utilize a mixture of the following to create an aesthetically pleasing opaque wall: greenbelt areas, various landscape plantings, berming, and/or decorative walls/fencing. A minimum of 200 feet along the roadway and at least 150 feet on all other sides is recommended. However, the depth and location of the transition area may be modified and/or waived by the Planning Commission based on existing site conditions and adjacent uses.
  - C. **Architectural Design:** The development plan shall utilize creative architectural design that establishes a distinctive unity where all homes share a thematic character. The following shall be incorporated:
    - 1. **Roof Types:** In order to provide a variation on facades of the structures, peaked rooflines shall be a minimum four (4)-twelve (12) pitch. Architectural accents such as cupolas, cross gables and dormers are also encouraged.
    - 2. **Doors/Windows:** The location, orientation, and proportion of doors and windows should be used to define the character and enhance the facade of the structure.

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3. **Porches:** Porches in various forms shall be used to provide a semi-public place for units within the development. Various designs of porches, covered patios, stoops, balconies in the front, and terraces are encouraged.
  4. **Garages:** A mixture of recessed front-entry, side entry and detached garages is encouraged. Detached garages shall be located to the rear of the principal structure. Front-entry garages shall be set back at least five (5) feet from the plane established by the front building line (exclusive of the front porch).
- D. **Site Cleanup:** Extensive cleanup of blighted site conditions is required, including cleanup of environmental contamination. Cleanup of site contamination shall involve a baseline environmental assessment (BEA) provided by the Michigan Department of Environmental Quality.

### **SECTION 8.6 - PROJECT STANDARDS**

In considering any application for approval of an open space development plan, the Planning Commission shall make its determination on the basis of the standards for site plan approval set forth in Article 6 as well as the following standards and requirements:

- 8.6.1 **Compliance with the Open Space Development Concept:** The overall design and land uses proposed in connection with an open space development shall be consistent with the intent of the open space development concept as well as with specific design standards set forth herein.
- 8.6.2 **Compatibility with Adjacent Uses:** The proposed open space development plan shall set forth in detail all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
- A. The bulk, placement, and materials of construction of proposed structures.
  - B. Pedestrian and vehicular circulation.
  - C. The location and screening of vehicular use or parking areas.
  - D. The provisions of landscaping and other site amenities.
- 8.6.3 **Impact of Traffic:** The open space development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
- 8.6.4 **Protection of Natural Environment:** The proposed open space development shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.
- 8.6.5 **Compliance with Applicable Regulations:** The proposed open space development shall comply with all applicable federal, state, and local regulations.
- 8.6.6 **Township Master Plan:** The proposed open space development shall be consistent with and further the implementation of the Township Master Plan.

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- 8.6.7 **Conditions:** Reasonable conditions may be required with the special approval of an open space development to the extent authorized by law for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Township Master Plan. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project, those immediately adjacent, and the municipality as a whole. The conditions shall be reasonably related to the purposes affected by the open space development. The conditions also shall be necessary to meet the intent and purpose of this Ordinance and objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the special approval.

#### **SECTION 8.7 - PROCEDURE FOR REVIEW**

- 8.7.1 **General Application Requirements:** The application for approval of an open space development shall be made according to procedures and guidelines listed below. The required materials shall be submitted to the Township Zoning Administrator with all required fees.
- A. **Pre-Application Conference:** Prior to the submission of an application for open space development approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants he/she shall deem appropriate.
1. **Information required:** The applicant shall present, at such conference, a sketch plan of the proposed open space development. The following information shall also be provided:
    - a. Total number of acres in the project
    - b. A statement of the number of residential units
    - c. Known deviations from ordinance regulations to be sought
    - d. Number of acres to be preserved as open or recreational space
    - e. All known natural resources and natural features to be preserved.
  2. **Zoning Administrator Assistance:** The purpose of this initial meeting enables the Zoning Administrator to assist the applicant with the open space development process. This assistance may include, but not be limited to:
    - a. Assistance in completing the application.
    - b. Review of the open space development process.
    - c. Requirements needed for the preliminary site plan review by the Planning Commission.
    - d. Requirements needed for the final site plan review by the Planning Commission.

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- e. A list of agencies and individuals that the applicant may need to contact.  
Assistance by the Zoning Administrator shall vest no rights in the application regarding approval of the final plan or conditions imposed by the Planning Commission or the Township Board.
- B. **Preliminary Plan:** Following the Pre-application Conference, the applicant shall submit an application and the required fees to the zoning administrator along with a preliminary site plan of the proposed open space development for Planning Commission review. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 8.6 have been met.
  - 1. **Information Required:** The preliminary site plan for open space development shall be submitted three weeks prior to the intended Planning Commission review date and shall contain at a minimum the following information set forth below.
    - a. A site plan meeting all requirements of Article 7, Site Plan Review, of this Ordinance
    - b. Evidence of ownership, location and description of site dimensions and areas.
    - c. General topography; soil information.
    - d. Scale, north arrow, date of plan.
    - e. Existing zoning of site; existing land use and zoning of adjacent parcels; location of existing buildings, drives, and streets on the site and within five hundred (500) feet of the site.
    - f. Location, type, and land area of each proposed land use; dwelling unit and density (dwelling units per acre).
    - g. Location, size, and proposed uses of open space.
    - h. General description of the organization which will maintain common areas and facilities.
    - i. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
    - j. General descriptions of proposed water, and sanitary and storm drainage systems with calculations for sizing retention and detention basins with compliance and approval of the Jackson County Drain Commission and Jackson County Health Department.
    - k. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; and the location, width, and purpose of existing easements.

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- l. General location, function, surface width, and right-of-way of proposed public and private streets.
  - m. General location of proposed parking areas and approximate number of spaces to be provided in each area.
  - n. Location and area of each development phase.
  - o. Evidence of compliance with Article 11 of this Ordinance.
2. **Planning Commission Action:** The Preliminary Plan shall be noticed for public hearing before the Planning Commission, in conformance with Section 17.3 of this Ordinance.. The Planning Commission will take action pursuant to the procedures set forth in Article 7, Site Plan Review.
- C. **Final Plan:** Within six (6) months following receipt of the Planning Commission recommendations on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming to this Section. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.
1. **Information Required:** A final site plan for an open space development shall be submitted three weeks prior to the intended planning commission review date and shall contain the following information:
    - a. A site plan which includes all requirements of Section 8.7.1B and meeting all requirements of Article 7, Site Plan Review, of this Ordinance.
    - b. A separately delineated specification of all deviations from this ordinance which would otherwise be applicable to the uses and development proposed in the absence of this open space development Section.
    - c. A specific schedule of the intended development and construction details, including phasing or timing.
    - d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
    - e. A specification of the exterior building materials with respect to the structures proposed in the project.
    - f. Signatures of all parties having an interest in the property.
  2. **Planning Commission and Township Board Action:** The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.
- 8.7.2 **Effect of Approval:** Approval of an open space development proposal shall not require, nor shall it be construed as, an amendment to the Zoning Ordinance. All improvements

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and uses of the site shall be in conformity with the approved open space development plan and comply fully with any conditions.

- 8.7.3 **Recording of Action:** The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site, specifying the date of final Township approval and declaring that all improvements will be carried out in accordance with the approved open space development plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.
- 8.7.4 **Land Use Permit:** Following final approval of the open space development site plan and final approval of the engineering plans by the Township Engineer, a land use permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State, and Federal permits.
- 8.7.5 **Initiation of Construction:** If construction has not commenced within twelve (12) months of final approval, all Township approvals become null and void. The applicant may apply in writing to the Planning Commission for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.
- 8.7.6 **Continuing Adherence to Plan:** Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for same.

### **SECTION 8.8 - SCHEDULE PHASING**

- 8.8.1 **Schedule Phasing:** When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
- 8.8.2 **Timing of Phases:** Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void. The applicant may apply in writing to the Planning Commission for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.

### **SECTION 8.9 - REVISION OF APPROVED PLANS**

- 8.9.1 **Minor Changes:**
- A. Minor changes to an approved open space development plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Article 7 for the following:
1. Reduction of density
  2. Changing non-single family dwelling units to single-family dwelling units
  3. Realignment of roads

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4. Modification to setbacks
  5. Increasing the amount of open space
  6. Changes to landscaping, provided the number of plantings is not decreased
  7. Change in the size of retention ponds by no more than 10 percent (10%)
  8. Changes to phasing plan, and
  9. Other minor changes similar to the above as determined by the Planning Commission.
- B. Minor Changes shall be subject to the finding of all of the following:
1. Such changes will not adversely affect the initial basis for granting approval.
  2. Such minor changes will not adversely affect the overall open space development in light of the intent and purpose of such development as set forth in this Article 8.
  3. Such changes shall not result in the reduction of open space area as required herein.
- 8.9.2 **Major Revisions:** Approved plans for an open space development that do not qualify as minor under Section 8.9.1, may be revised by resubmitting a final open space development site plan for approval following the procedure of this Article 8.



# Article 9

## Sign Regulations

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### **SECTION 9.1 – INTENT AND PURPOSE**

The intent and purpose of this Article is to regulate on-site and outdoor advertising to protect the public health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township of Spring Arbor. While this Ordinance recognizes that signs and outdoor advertising are necessary to promote commerce and public information; failure to regulate them may lead to deterioration and blight of business or residential areas of the Township, conflicts between different types of land use or reduction in traffic safety for pedestrians and motorists.

### **SECTION 9.2 - DEFINITIONS**

**Abandoned Sign:** A sign which no longer advertises or identifies a business, lessor, owner or activity conducted upon, or product available on, the premises where such sign is displayed.

**Animated Sign or Changing Message Signs:** Any sign which includes action, motion, the optical illusion of action or motion or color changes of all or part of the sign facing, requiring electrical energy or set in motion by movement of the atmosphere or a sign made up of a series of sections that turn and stop to show two or more pictures or messages in the copy area. An Electronic Message Sign is one type of this sign.

**Announcement Bulletin:** A Changing Message Sign used by a church, civic organization, public building, or school, which may include an Electronic Message Sign.

**Billboard:** See "Outdoor Advertising Sign"

**Business Center:** A group of two or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.

**Canopy or Marquee Sign:** Any sign attached to or constructed within or on a canopy or marquee.

**District:** A Zoning District as established by Article 4 of this Spring Arbor Township Zoning Ordinance.

**Electronic Message Sign:** A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.

- 1. Fade:** A mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases intensity to the point of legibility.
- 2. Dissolve:** A mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message.

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3. **Animated and Flashing Signs:** A sign that has moving, blinking, chasing, scrolling, or other animation effects with the exception of fading and dissolve, either inside or outside a building and which are visible from a public right-of-way.
4. **Electronic Message Board or Screen:** A sign or a portion of a sign, that displays an electronic image or video, which may or may not include text and uses changing lights to form a message in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**Free standing Sign:** A sign which is attached to, or is part of, a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.

**Identification Sign:** A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

**Off-Site Sign:** (Off-Premises Sign) A sign which advertises or identifies only goods, services, facilities, events, or attractions at a site other than where the sign is located. See Section 9.8.

**On-Site Sign:** (On-Premises Sign) A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.

**Outdoor Advertising Sign:** A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes. See Section 9.8.

**Portable Sign:** Any sign not permanently attached to the ground or a building.

**Sign:** Any structure or device, illuminated or otherwise, which displays any message, banner, emblem, insignia or other representation in the nature of an announcement, advertisement, direction, or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, designed to inform, or attract attention from outside the premises.

**Sign Area:** The area of a sign or signs consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign or signs and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area. See Subsection 9.4.4.

**Sign Height:** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

**Temporary Sign:** A sign which is easily movable, not permanently attached to the ground or a building and which is intended to be displayed for a limited period of time. See Section 9.9.

**Variable Message Sign:** A sign which, by electronic means or otherwise, alternately displays more than one (1) image or message. See Subsection 9.4.3.

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**Wall Sign:** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

**Window Sign:** A sign installed on or in a window for the purposes of viewing from outside the premises.

### **SECTION 9.3 – EXEMPTED SIGNS**

The following types of signs are exempted from all provisions of Article 9.

- 9.3.1 Signs not exceeding one (1) square foot in area and bearing only property numbers, post box number, names of occupants of premises, or other identification of premises not having commercial connotations;
- 9.3.2 Flags and insignias of any government, except when displayed in connection with commercial promotion.
- 9.3.3 Signs of a non-commercial nature and in the public interest, erected on the order of a public officer or governmental office, such as directional signs, regulatory signs, warning signs, legal notices and informational signs.
- 9.3.4 Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- 9.3.5 Integral decorative or architectural features of buildings, names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- 9.3.6 Political campaign signs installed no more than 60 days in advance of the election or primary and removed no later than five (5) days following the election or primary.

### **SECTION 9.4 – GENERAL SIGN REGULATIONS**

The following shall apply to all signs in Spring Arbor Township:

- 9.4.1 No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- 9.4.2 All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- 9.4.3 **Illuminated Signs:**
  - A. **Residential Districts:** Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of way or any adjacent residential property.

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- B. Agricultural, Commercial, Office and Industrial Districts: Indirectly or internally illuminated signs are permitted provided such signs are shielded to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
  - C. All illuminated signs shall comply with the applicable National Electrical Code provisions concerning signs and wiring.
- 9.4.4 **Measurement of Sign Area:** The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising of the display area of the sign and including all of the elements of the matter displayed as measured three (3") inches in from the outside border of said geometric form or combination of forms.
- 9.4.5 **Height of Sign:** No free standing sign shall exceed a height of thirty-five (35) feet.
- 9.4.6 **Setback Requirements for Signs:** All signs shall be set back from the adjacent road by a distance of not less than one-half (1/2) of the setback required for a structure on said parcel as provided for in the setback requirements of this Zoning Ordinance except that in office, commercial and industrial districts where parcels adjoin a road right-of-way which is in excess of eighty (80) feet, the setback shall be not less than one-fourth (1/4) of the required setback for a structure on said parcel. The Planning Commission may, as part of a Site Plan Review, allow a sign in the above mentioned exception to be closer to the road right-of-way provided that no part of any sign extends beyond the subject parcel.
- 9.4.7 **Business Flags:** Business flags shall be permitted in commercial, office, and industrial zoning districts, subject to the following regulations:
- A. The flags shall be located on the same lot as the business building or use.
  - B. Notwithstanding any other provision of this Ordinance, business flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which located.
  - C. The area of each business flag shall not be included in the sign area that is permitted on a lot.
  - D. Not more than one (1) business flag shall be permitted for each public road frontage of the lot on which located.
  - E. All business flags shall be set back from adjacent roads no less than one half (1/2) of the minimum setback required for a structure on said parcel as provided for in this Zoning Ordinance.

### **SECTION 9.5 - SIGNS PERMITTED IN ALL DISTRICTS**

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township of Spring Arbor.

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- 9.5.1 **Community Welcome Signs:** Off-premises signs which bear names, information, and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted. Each sign shall be not more than eight (8) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single-frame, if more than one sign is placed at one location.
- 9.5.2 **Directional Signs:** Signs which direct traffic movement onto or within a property and which do not contain any advertising copy or logo, and which do not exceed eight (8) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed eight (8) square feet. Directional signs shall be located on the property on which they are directing traffic and shall be located behind the front right-of-way line.
- 9.5.3 **Announcement Bulletins:** One church, civic organization, public building, or school announcement bulletin, which may include an electronic message board, shall be permitted on any site that contains said organization or building, regardless of the district in which it is located, provided said bulletin does not exceed thirty-two (32) square feet in area where the speed limit is forty-five (45) miles per hour or less, and sixty (60) square feet in area where the speed limit is forty-six (46) miles per hour or more and a height of twenty-five (25) feet, and is set back from an adjacent road a minimum of one-half (1/2) of the setback required for a structure on said parcel as provided in this Zoning Ordinance. In such instances said announcement bulletin may be incorporated within the identification sign for said organization or building.

### **SECTION 9.6 - PROHIBITED SIGNS**

- 9.6.1 **Banners:** Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 9.9, Temporary Signs.
- 9.6.2 **Swinging Signs:** Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- 9.6.3 **Animated and Flashing Signs:** An animated or flashing sign that by itself or by source of the illumination creates a hazard for persons using the public street or sidewalk or otherwise causes discomfort or interference to the occupants of neighboring property is prohibited.
- 9.6.4 **Parking of Advertising Vehicles:** No person shall park any vehicle or trailer on a public right-of-way, public property, or on a private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the purpose of directing people to a business or activity. Currently licensed vehicles and trailers that have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner shall be excluded from this provision.
- 9.6.5 **Abandoned Signs:** (See 9.2 Definitions)

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- 9.6.6 **Flags:** Flags other than those of any nation, state, or political subdivision or business as otherwise provided in this Ordinance, shall be prohibited except as permitted under Section 9.9.5.
- 9.6.7 **Portable Signs:** Portable signs, except any temporary sign permitted by Section 9.9 herein, are prohibited.
- 9.6.8 **Unclassified Signs:** The following signs are prohibited.
- A. Signs that imitate an official traffic sign or signal which contains the words stop, go slow, caution, danger, warning, or similar words except as otherwise provided in this section.
  - B. Signs that are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic of street sign or signal which obstruct the view in any direction at a street or road intersection.
  - C. Signs that contain statements, words or pictures of an obscene, pornographic or immoral character.
  - D. Signs that are painted on or attached to any fence or any wall that is not a structural part of a building except to identify a residence.
  - E. Signs that emit audible sound, odor, or visible matter.
  - F. Roof signs that extend above the peak of the roof.

### **SECTION 9.7 – DISTRICT SPECIFIC REGULATIONS**

#### **9.7.1 Permitted Signs in Agricultural Districts:**

- A. One sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twenty-four (24) square feet in area.
- B. One identification sign shall be permitted for a Type II Home Occupation, a Family Day Care Home, or a Group Day Care Home. The sign shall not exceed twenty-four (24) square feet.
- C. One identification sign shall be permitted for an approved conditional use. The size and location of the sign shall be determined by the Planning Commission as a part of the review of the application for conditional use permit.

#### **9.7.2 Permitted Signs in Residential Districts:**

- A. One identification sign shall be permitted for each public street frontage of subdivision, multiple-family building development, or a mobile home park. Each sign shall not exceed thirty-two (32) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed three (3) square feet in ar-

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ea and is incorporated into the identification sign. Each sign shall be set back not less than five (5) feet from the right-of-way line of any public street, and shall not exceed four (4) feet in height.

- B. One non-illuminated identification sign shall be permitted for a Type II Home Occupation, a Family Day Care Home, or a Group Day Care Home. The sign shall not exceed three (3) square feet and shall be attached to the front of the home or placed in the window.
- C. One identification sign shall be permitted for an approved conditional use. The size and location of the sign shall be determined by the Planning Commission as a part of the review of the application for conditional use permit.

### 9.7.3 **Permitted Signs in Commercial, Office, and Industrial Districts:**

On-site canopy or marquee signs, wall signs, and freestanding signs are permitted in all commercial, office and industrial districts subject to the following conditions:

- A. Signs permitted for single buildings on developed lots or a group of lots developed as one lot, not in a business center subject to Sections 9.7.3 B.
  - 1. **Area:** - Each developed lot shall be permitted at least eighty (80) square feet of sign for all exterior on-site signs. The area of exterior on-site signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces one (1) public street.
  - 2. **Number:** - Each developed lot shall be permitted two (2) exterior on-site signs. For every developed lot that has frontage on two (2) collector or arterial streets, three (3) exterior on-site signs shall be permitted. Only one (1) free-standing identification sign shall be permitted on any street frontage. All businesses without ground floor frontage shall be permitted one (1) exterior wall sign, in addition to the number of signs allocated to the developed lot. The total area of all exterior signs shall not exceed the total sign area permitted in Subsection 9.7.3.A.1.
- B. Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Subsection 9.7.3.
  - 1. **Free Standing Signs:** Each business center shall be permitted one freestanding identification sign for each frontage on a public street. Each sign shall state only the name of the business center and the major tenants located therein. The maximum permitted sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public street. The maximum area for each freestanding sign shall be two hundred (200) square feet. Tenants of a business center shall not permit individual freestanding identification signs.

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2. **Wall Signs:** - A business center shall be permitted a total exterior wall sign area of one (1) square foot for each one (1) linear foot of building frontage for all ground floor tenants.
  3. **Park Signs:** - A freestanding sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no larger than eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be located no closer to an adjacent road than one half (1/2) of the minimum setback required for a structure on said parcel as provided in this Zoning Ordinance.
- C. A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign and further provided that the total area of the sign does not exceed thirty (30) square feet.
  - D. No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning board of Appeals. In granting such a variance the Board of Appeals shall assure that the minimum clearance of such sign is eight (8) feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.
  - E. Service Station Signs: In addition to the provisions of Subsection 9.7.3 A and B, an automobile service station may have up to an additional 25 square feet of sign area within each of the allowed freestanding signs, for the purpose of advertising gasoline prices and other services provided on the premises. An identification or legend sign may also be placed on the canopy.

### **SECTION 9.8 – ELECTRONIC MESSAGE SIGNS**

- 9.8.1 Allowed as a permitted or conditional use.
  - A. Electronic message signs shall be allowed as a permitted use in O-1, C-1, C-2, C-3 and I-1 districts. The square footage of these signs shall be counted into the maximum sign area allowed for the district.
  - B. Electronic message signs may be allowed as a conditional use for all announcement bulletins, to include schools, churches, civic organizations and public buildings in any district.
- 9.8.2 All electronics message signs shall be subject to the following limitations in all districts:
  - A. Applications for electronic message signs shall contain a complete copy of the manufacturer's specifications including, but not limited to, the maximum capable light



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- output, information on automatic dimming features, and evidence that the electronic message board is UL listed.
- B. The size of the electronic message board or screen cannot exceed twenty five (25) square feet.
  - C. Screen changes must be made as follows.
    - 1. If speed limit is less than or equal to 35 miles per hour, no less than 1.5 seconds.
    - 2. If speed limit is over 35 miles per hours, no less than three seconds.
  - D. Message must be changed using subtle transitions such as dissolve or fade. No scrolling, blinking, spinning or slot machine type transitions are allowed.
  - E. Electronic message signs must utilize automatic dimmer software and solar sensors or daylight harvesters, to control brightness for viewing at night or in cloudy conditions.

### **SECTION 9.9 – OUTDOOR ADVERTISING SIGNS (OFF-SITE SIGNS)**

Outdoor advertising signs shall be permitted only in accordance with the following regulations:

- 9.9.1 Outdoor advertising signs shall be permitted in an Agricultural District on state or federal highways, a Highway Service Commercial District or a Light Industrial district, and shall be subject to the Highway Advertising Act of 1972 (PA 106 as amended by PA 533 of the PA of 1998) . Seasonal agricultural signs are allowed in all districts except RS-1 and RS-2 for a period not to exceed 150 days in any 365-day period.
- 9.9.2 Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the zone in which they are situated. Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Zoning Administrator if it can be shown that excessive grades, buildings, bridges, and similar conditions obstruct views of the sign.
- 9.9.3 Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V- type structure shall be considered a single sign provided the interior angle of such signs does not exceed twenty (20) degrees.
- 9.9.4 The total surface area, facing in the same direction of any off- site sign, shall not exceed three hundred (300) square feet in area and be no less than twenty-five (25) square feet in area.
- 9.9.5 Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another sign.
- 9.9.6 Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises.

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es and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

### **SECTION 9.10 – TEMPORARY SIGNS**

- 9.10.1 In single-family and two-family districts one (1) sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed sixty-four (64) square feet in area. Each sign shall be removed within two (2) years after it is erected or when seventy-five (75) percent of all lots or units within the subdivision or development are sold, whichever first occurs.
- 9.10.2 In multiple-family districts one (1) sign, not to exceed sixty-four (64) square feet in area shall be permitted on each public street frontage of a new multiple-family development for the purpose of advertising new dwelling units for rent or sale. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy (70) percent of the dwelling units within the development.
- 9.10.3 One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six (6) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions join together in one identification sign, such sign shall not exceed thirty-two (32) square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.
- 9.10.4 Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed thirty-two (32) square feet. Signs shall be allowed no more than fourteen (14) days in a calendar year. If building mounted, signs shall be flat wall signs and shall not project above the roof line. If ground mounted, signs shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 9.4.6 of this Ordinance.
- 9.10.5 Banners, pennants, search lights, balloons, or other gas filled figures shall be permitted at the opening of a new business in a commercial or industrial district, for a period not to exceed fourteen (14) consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.
- 9.10.6 Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an open house, only for the day of the open house. Signs shall not exceed three (3) feet in height.

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- 9.10.7 In residential districts one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding six (6) square feet in area or thirty-two (32) square feet in area in all other districts shall be permitted, provided it is set back in accordance with Section 5.2.3 (d) of this Ordinance. If the lot has frontage on multiple streets, one (1) additional sign not exceeding six (6) square feet in area in residential districts or thirty-two (32) square feet in area in all other districts shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot. Such signs shall be removed within seven (7) days following the sale, rent, or lease. In no case shall a sign advertising the sale, rent, or lease of a building that is not located on the property on which the sign is located, be permitted.

### **SECTION 9.11 – NON-CONFORMING SIGNS**

Non-conforming signs shall not:

- 9.11.1 Be reestablished after the activity, business or usage to which it relates has been discontinued for ninety (90) days or longer.
- 9.11.2 Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
- 9.11.3 Be reestablished after damage or destruction, if the estimated expense or reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Building Inspector.

### **SECTION 9.12 – PERMITS AND FEES**

- 9.12.1 A permit shall be required to erect or replace a sign, or to change the copy of a sign, that is regulated by Section 9.5 and 9.7 through 9.10.5 herein. The application shall be made by the owner of the property, or authorized agent thereof, to the Township Zoning Administrator by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.
- 9.12.2 An application for a sign permit shall contain the following:
- A. The applicant's name and address in full, and a complete description of the relationship to the property owner.
  - B. If the applicant is not the property owner, the signature of the property owner concurring in submittal of the application.
  - C. The address of the property.
  - D. An accurate scale drawing of the property showing location of all buildings and structure and their uses, and location of the proposed sign.
  - E. A complete description and scale drawing of the sign, including all dimensions and the area in square feet.
  - F. All signs shall be inspected by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site.

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- G. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator.
- H. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.
- I. Signs for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and other codes, requirements and laws of the Township of Spring Arbor, including but not limited to the National Electrical Code and Michigan State Construction Codes.

#### **SECTION 9.13 – REMOVAL OF SIGNS**

- 9.13.1 The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal non-conforming signs. Thirty (30) day's notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign. The Township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.
- 9.13.2 A sign shall be removed by the owner or lessee of the premises upon which the sign is located within one hundred twenty (120) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with the provisions stated in Subsection 9.13.1 preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

# Article 10

## Sexually Oriented Business

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### **SECTION 10.1 - PURPOSE AND INTENT**

The purpose and intent of this Article is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Article are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Article to legitimize activities which are prohibited by Township ordinance, state or federal law. If any portion of this Article 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 so found to be invalid or unconstitutional.

### **SECTION 10.2 - DEFINITIONS**

**Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
- B. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified herein and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

**Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

- A. Persons who appear in a state of nudity;

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- B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
- C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
- D. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**Adult Motel:** A hotel, motel or similar commercial establishment that:

- A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and that has a sign visible from the public right of way that advertises the availability of any of the above;
- B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

**Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

**Escort:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip-tease for another person.

**Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**Massage:** The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids, for non-therapeutic purposes. The systematic and scientific manipulation of the soft tissues of the human body by a health care professional for therapeutic and/or rehabilitative purposes shall be considered a therapeutic massage and not a Sexually Oriented Business.

**Massage Parlor:** Any commercial establishment where non-therapeutic massage is made available for any form of consideration.

**Massage School:** Any place, establishment or facility which provides instruction in the theory, method and practice of nontherapeutic massage.

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**Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

**Nudity or a State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- A. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- B. Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.
- C. Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.

**Public Place:** Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

**Sexually Oriented Business:** A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) massage parlor; (9) massage school; (10) nude model studio; and (11) sexual encounter center.

**Specified Anatomical Areas:**

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

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## Sexually Oriented Business

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### **Specified Sexual Activities:**

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in a through c above.

### **SECTION 10.3 - REQUIREMENTS**

Notwithstanding any provision of this Ordinance to the contrary, sexually oriented businesses shall comply with all of the following requirements at all times while the business is operational.

- 10.3.1 No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within five hundred (500) feet of any principal or accessory structure of another sexually oriented business. The distance between a proposed sexually oriented business and any other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the other sexually oriented business.
- 10.3.2 No sexually oriented business shall be located in any principal or accessory structure already containing a sexually oriented business.
- 10.3.3 The proposed use shall conform to all standards of the zoning district in which it is located.
- 10.3.4 The proposed use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonable assured.
- 10.3.5 The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
- 10.3.6 Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- 10.3.7 No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by any person of normal visual acuity from the nearest adjoining roadway or a neighboring property.



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- 10.3.8 Hours of operation shall be limited to 10:00 a.m. to 12:00 midnight, Monday through Saturday.
- 10.3.9 All off-street parking areas shall comply with Section 6.14 of this Ordinance and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- 10.3.10 Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified Anatomical Areas or Specified Sexual Activities:
- A. Is handicap accessible to the extent required by the Americans With Disabilities Act;
  - B. Is unobstructed by any door, lock or other entrance and exit control device;
  - C. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - D. Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
  - E. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.
- 10.3.11 Any building or other structure in which a sexually oriented business is located shall be at least fifty (50) feet distance from the right-of-way of any public street or highway.
- 10.3.12 A landscaped green space of trees, shrubs and grass not less than fifteen (15) feet in width shall be located and maintained around any building or structure in which a Sexually Oriented Business is located, except at established entrances and exits serving such building or structure.
- 10.3.13 There shall be erected and maintained a solid screen fence not less than eight (8) feet in height around the periphery of the property on which the Sexually Oriented Business is located except on the front side adjoining a public street or highway and at other established entrances and exits. The fence shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

### **SECTION 10.4 – APPEAL PROCEDURE**

Notwithstanding any provisions of this Ordinance to the contrary, an appeal to the Board of Appeals from a ruling of the Zoning Administrator, or a decision of the Planning Commission or Township Board concerning the enforcement of this Ordinance as it applies to sexually oriented businesses shall be subject to the following:

- 10.4.1 The Board of Appeals shall convene a meeting within fourteen (14) days of the Zoning Administrator's receipt of an appeal filed as provided in Article 15.5.

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### Sexually Oriented Business

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- 10.4.2 The Board of Appeals shall review the record and determine (1) whether the ruling or decision was based upon competent, material and substantial evidence; and (2) whether the ruling or decision complies with the procedural requirements of this Zoning Ordinance and with Michigan and federal law.
- 10.4.3 Within fourteen (14) days of the initial hearing on the request for review the Board of Appeals shall issue a written decision either wholly or partially affirming, reversing or modifying the ruling or decision and stating the grounds thereof. Failure to issue a decision within said period shall result in the affirming of the matter appealed. If the Board of Appeals affirms the ruling or decision then upon written request from the person filing the appeal, the Township shall within seven (7) business days of its receipt of such written request, do the following:
- A. File a petition in the Jackson County Circuit Court seeking a judicial determination with respect to the validity of such ruling or decision and, if applicable, file a motion for a preliminary and permanent injunction restraining the operator of the sexually oriented business from operating the business in violation of the Township's Zoning Ordinance.
  - B. Request that the motion for issuance of a preliminary injunction be set for a show cause hearing within seven (7) days or as soon thereafter as is possible after the filing of such petition.
  - C. In the event the operator appears at or before the time of such show cause hearing, waives the notice otherwise provided by the Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its motion for preliminary injunction and shall join in such request.
  - D. In the event the operator does not waive notice and/or does not request an early hearing on the Township's motion for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.
  - E. The filing of written notice of intent to contest the Board of Appeals ruling or decision shall not, in any way, affect the validity of such ruling or decision but such ruling or decision shall be deemed invalid and the appeal granted if within seven (7) days of the filing of Township's petition a show cause hearing has not been scheduled.

# Article 11

## Private Roads

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### **SECTION 11.1 - INTENT**

Unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to insure that such services can safely and quickly enter and exit private property at all times. Access to the interior of certain sections within Spring Arbor Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights of way to the Jackson County Department of Transportation or other municipal corporation, when public dedication is desirable or required. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Article.

### **SECTION 11.2 - GENERAL ACCESS AND PERMIT REQUIREMENTS**

- 11.2.1 Every lot in Spring Arbor Township that is improved with a building shall meet the access requirements of Subsection 4.6.3.
- 11.2.2 No person shall construct, alter, or extend a private road without compliance with this Article and obtaining a permit as hereinafter provided.
- 11.2.3 All lots which have been improved with a building prior to the date of adoption of this Article shall comply with the provisions of this Article, if the Township Board, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare in accordance with the purposes set forth in Section 1 herein.

### **SECTION 11.3 - APPLICATION REQUIREMENTS**

Applications for permits shall be delivered to the Zoning Administrator and filed with the Clerk and shall include the following information:

- 11.3.1 For a lot not exempted by Section 4.6.3B herein, the application shall contain the following information:
  - A. A legal description of each lot to be served-by the proposed road right-of-way, a legal description of said road right-of-way, the names and addresses of all persons or parties owning an interest in the title to the lots and road right-of-way area.
  - B. A survey drawing showing the outline of the proposed roadway and the dimensions and bearings thereof; existing topographic contours at two foot intervals of the roadway area and all adjacent land to be serviced by said roadway; soil characteristics and wet areas; trees; streams and all bodies of water within service area; existing buildings within fifty feet of the proposed roadway; the proposed roadway in relation to the nearest property lines; and the location of all proposed improvements in the roadway area. The survey drawing shall be prepared by a Registered Land Surveyor or Civil Engineer, registered in the State of Michigan, and shall bear the seal of the same.

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## Private Roads

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- C. Plan and profile drawing and cross sections of the proposed improvements showing clearly all materials, grades, and dimensions, prepared by a Civil Engineer registered in the State of Michigan, and bearing the seal of the same.
  - D. A complete statement of all the terms and conditions of the proposed roadway including copies of all agreements or intended agreements regarding the maintenance and improvements of the roadway.
  - E. A permit fee and bond amount as established by resolution of the Township Board to defray the costs of inspections, plan review, administration, and enforcement of this Ordinance.
  - F. The application shall be signed by the applicant or agent thereof, in which case it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the roadway or the abutting lots and shall be made under penalties of perjury.
- 11.3.2 For an exempt lot according to Subsection 4.6.3 B, a surveyor sketch of the property showing its boundaries, the location of all existing improvements and the location of future building; the relationship of the lot to any public or private roads, and a copy of the recorded right of way easement shall be submitted to Spring Arbor Township at the time of application for land division or a building permit. The dimensions and location of the right-of-way easement shall be specifically shown on the sketch or survey.

### **SECTION 11.4 - PERMIT APPROVAL PROCEDURE**

- 11.4.1 Upon receipt of an application, the Township Clerk shall bring the application before the Township Board at its next regular meeting. The Board may, at its discretion, refer the application to the Planning Commission or other appropriate body for review and comment.
- 11.4.2 A certified, licensed engineer shall report in writing to the Board as to whether or not the proposed roadway conforms to Department of Transportation standards and specifications.
- 11.4.3 The Township Board shall consider the application, the Engineer's report and all other relevant information in determining whether to grant the permit. If the information submitted by the applicant does not establish that the proposed roadway will conform to the standards and specifications of this Ordinance, the Township Board shall not grant the permit. The Township Board may impose conditions on the approval of the permit as it deems necessary or as suggested by the Engineer to ensure that the intent and purpose of this Ordinance are observed and public safety secured. The breach of any such condition proposed by the Township Board shall automatically invalidate the permit.
- 11.4.4 As a condition to the granting of any permit under this Article, the Township Board shall require that the applicant deposit with the Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall per-

# Article 11

## Private Roads

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form the terms and conditions of the permit, including the payment of required fees. Upon issuance of a certificate of completion any unused portion of the deposit shall be refunded to the applicant.

11.4.5 Upon receipt of the required deposit and predetermined fees and approval by the Township Board, the Township Zoning Administrator shall issue the permit pursuant to the terms established by the Township Board Resolution granting the permit.

11.4.6 Only the Township Board shall have the authority to approve or deny the applications for permits. No other permit issued by any Township official or other governmental body or official shall be a substitute for a private road permit.

### **SECTION 11.5 - SPECIFICATIONS FOR RIGHTS OF WAY AND ROADWAYS**

Each roadway shall conform to the following specifications:

11.5.1 Private roads shall be divided into two classes as follows:

- A. Class A (Asphalt Surface) private roads shall be any private road that meets one or more of the following criteria:
  - 1. Serves six (6) or more single-family residences or residential lots, or has a reasonably foreseeable potential to be extended in the future to serve a total of six (6) or more single-family residences or residential lots.
  - 2. Connects with, or has a reasonably foreseeable potential to be extended at a future time to connect to a second public or private road.
  - 3. Has a reasonable probability of dedication as a public road.
  - 4. Has a length of more than 500 feet, measured on the roadway centerline of the public road to the centerline of the other intersecting road, or the center of the turnaround.
  - 5. Serves any lots with a commercial, industrial or professional use.
- B. Class B (Gravel Surface) private roads shall be all other roadways servicing three (3) to five (5) residences or residential lots.

11.5.2 All Class A and Class B private roads shall meet the following minimum requirements and specifications:

- A. The applicant shall obtain a road permit issued by the County Department of Transportation prior to approval of any right of way by the Township Board.
- B. The roadway surface and turnaround area shall be centered in the right of way.
- C. The connection between the right of way and the public road shall conform to the standards and specifications of the County Department of Transportation.
- D. Underground crossroad drainage shall be provided where the proposed right of way crosses a stream or other drainage course. Necessary culverts and treatments shall be

# Article 11

## Private Roads

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provided in accordance with the specifications of the Jackson County Department of Transportation.

- E. The right of way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the right of way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to County drains shall be approved by the County Drain Commissioner prior to the issuance of a permit. Connection to roadside ditches within public road rights of way shall be approved by the Jackson County Department of Transportation prior to the issuance of a permit.
- F. Road signs shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.
- G. The right of way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- H. Class A private roads shall meet all Jackson County Department of Transportation criteria for public roadways.
- I. Class B private roads shall meet all Jackson County Department of Transportation criteria for private gravel roadways.

### **SECTION 11.6 - INSPECTION**

All required improvements may be inspected by the Township and/or Jackson County Department of Transportation Engineer at various stages of construction. A licensed, certified engineer shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Board in writing. The applicant's engineer shall certify to the Township that the required improvements were made in accordance with this Ordinance and all approved plans. A letter of completion by the Engineer shall be delivered to the Township Clerk. The costs of inspection, including compensation of the Township Engineer, if necessary, shall be paid by the applicant prior to the issuance of the certificate of completion. These actual costs shall be paid from the bond funds established by the Township Board and held by the Township Clerk, and any balance owing shall be paid by applicant. Any residual bond funds shall be returned to the applicant.

### **SECTION 11.7 - EXPIRATION OF PERMITS**

A permit shall be valid for a period of one year from the date of issuance, or such longer period as determined by the Township Board. If the required improvements have not been completed upon the expiration of the one year or the longer period of time, then the permit shall be void and of no force and effect and all deposits shall be forfeited to Spring Arbor Township.

# Article 11

## Private Roads

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### **SECTION 11.8 - RECORDING OF RIGHTS OF WAY**

The right of way easement, including all agreements as identified in Section 11.3.1 D shall be recorded in the Office of the Register of Deeds for Jackson County before the issuance of the certificate of completion required in Section 11.6.

### **SECTION 11.9 - BUILDING PERMITS**

No building permit shall be issued for any lot subject to the provisions of this Article unless a Private Road Permit has been issued by the Township Board.

### **SECTION 11.10 - CERTIFICATES OF OCCUPANCY**

No certificate of occupancy shall be issued for any building on a lot subject to the provisions of this Article unless a certificate of completion has been issued as provided in Section 11.6. A certificate of occupancy may be issued prior to the issuance of a certificate of completion upon recommendation by the Township Engineer and upon deposit with the Township Clerk of a sum of money, certified check or bank letter of credit in an amount sufficient to guarantee completion of the remaining required improvements.

# Article 11

## Private Roads

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# Article 11a

## Quarries

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### SECTION 11a.1 - INTENT

The Michigan Zoning Enabling Act (MZEA) states that an “ordinance may not prevent the extraction by mining of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources” (see MCL 125.3205(a)(3)). As such, the intent of these standards — in addition to the submittal of a site plan required under Article 7 — is to limit the effects of quarries operations on their surroundings.

### SECTION 11a.2 - REQUIREMENTS FOR OBTAINING A PERMIT:

11a.2.1 The application for a quarry must document the following:

- A. That valuable natural resources are located on the relevant property;
- B. There is a need for the natural resource by the applicant or in the market served by the applicant; and
- C. That no ‘very serious consequences’ will result from the proposed operation as determined by the standards contained in Section 205(5) of the Michigan Zoning Enabling Act (MCL 125.3205(5)).

11a.2.2 The removal of soil, sand, gravel, stone, and other earth materials shall be subject to the submittal of a site plan, as required by Article 7, and the following conditions:

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

## Article 11a Quarries

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on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

- H. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
- I. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
- J. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
- K. The operator shall file with the Planning Commission and the Zoning Administrator a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
- L. The operator shall file with the Township Board a performance bond, payable to the Spring Arbor Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Township Board. The bond shall be released upon written certification of the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.
- M. The permit of each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

# Article 12

## Nonconformities

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

### **SECTION 12.1 – NONCONFORMING USES OF LAND**

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

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

### **SECTION 12.2 – NONCONFORMING STRUCTURES**

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

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

# Article 12

## Nonconformities

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### **SECTION 12.3 – NONCONFORMING USES OF STRUCTURES**

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

- 12.3.1 No nonconforming use of a structure shall be enlarged, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- 12.3.2 When a non-conforming use of a structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- 12.3.3 Any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10%) percent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening of part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- 12.3.4 Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- 12.3.5 Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

### **SECTION 12.4 – CHANGE OF TENANCY OR OWNERSHIP**

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

### **SECTION 12.5 – NONCONFORMING LOTS**

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

# Article 12

## Nonconformities

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### **SECTION 12.6 – REBUILDING, EXPANDING AND REPLACING**

The Township recognizes that available housing units are in short supply, but that suitable housing is a necessity for the health, safety and welfare of the residents of the Township. In recognition of the need for suitable housing there shall be a specific exemption from Sections 12.1, 12.2, and 12.3 to permit the rebuilding, restoring, enlarging or replacing of a building or structure when occupied as a dwelling unit as a nonconforming use. This does not include destruction by the overt or intentional acts of the owner. The owner of such a building may apply to the Zoning Administrator for a zoning compliance permit and the same shall be issued by the Zoning Administrator if the following conditions are met:

- 12.6.1 That in the case of a permit which is required for rebuilding or replacing a destroyed unit, application to the Zoning Administrator is made within twelve (12) months following destruction of the structure.
- 12.6.2 That the structure was used as a dwelling unit, and that the improved structure will be used as a dwelling unit.
- 12.6.3 That the proposed rebuilding, repair, expansion, enlargement, or restoration of the structure will be in conformity with the existing building code and regulations for the Township, and will satisfy or not increase in non-conformity any setback provisions of the Zoning Ordinance or lot coverage provisions of the Ordinance.

In the event that the Zoning Administrator denies the applicant a zoning compliance permit, then the applicant may appeal that decision to the Board of Appeals so long as such appeal is made within forty-five (45) days of the date of denial. The Board of Appeals may modify, accept or reject the decision of the Zoning Administrator. Such decision shall be rendered and such proceedings shall be had as are provided for under the Board of Appeals provision of this Ordinance.

## Article 12 Nonconformities

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# Article 13

## Conditional Rezoning

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### **SECTION 13.1 - INTENT**

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3405), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

### **SECTION 13.2 – APPLICATION & OFFER OF CONDITIONS**

- 13.2.1 An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- 13.2.2 The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- 13.2.3 The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- 13.2.4 The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- 13.2.5 Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- 13.2.6 Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
- 13.2.7 Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- 13.2.8 The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with ap-

# Article 13

## Conditional Rezoning

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ropriate notice, in conformance with Section 17.3 of this Ordinance, and a new recommendation.

### **SECTION 13.3 – PLANNING COMMISSION REVIEW**

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 17.4 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

### **SECTION 13.4 – TOWNSHIP BOARD REVIEW**

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 17.4 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3405), as amended,, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

### **SECTION 13.5 – APPROVAL**

- 13.5.1 If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
- 13.5.2 The Statement of Conditions shall:
- A. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - B. Contain a legal description of the land to which it pertains.
  - C. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - D. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.



# Article 13

## Conditional Rezoning

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- E. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
  - F. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- 13.5.3 Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- 13.5.4 The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- 13.5.5 Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

### **SECTION 13.6 – COMPLIANCE WITH CONDITIONS**

- 13.6.1 Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by Section 15.4.
- 13.6.2 No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

### **SECTION 13.7 – TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE**

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incom-

# Article 13

## Conditional Rezoning

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patible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

### **SECTION 13.8 - REVERSION OF ZONING**

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

### **SECTION 13.9 - SUBSEQUENT REZONING OF LAND**

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 13.8 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

### **SECTION 13.10 - AMENDMENT OF CONDITIONS**

- 13.10.1 During the time period for commencement of an approved development or use specified pursuant to Section 13.7 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
- 13.10.2 The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

### **SECTION 13.11 - TOWNSHIP RIGHT TO REZONE**

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3103 *et seq.*).

### **SECTION 13.12 - FAILURE TO OFFER CONDITIONS**

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

# Article 14

## Administration of the Ordinance

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### **SECTION 14.1 - PURPOSE**

It is the purpose of this Article to provide the procedure for the administration of this Ordinance issuance of permits, inspection of properties and collection of fees.

### **SECTION 14.2 - ADMINISTRATION**

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

### **SECTION 14.3 - DUTIES OF ZONING ADMINISTRATOR**

- 14.3.1 The Zoning Administrator or designee shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to be in conformance with this Ordinance, nor shall the Zoning Administrator vary or change any terms of this Ordinance.
- 14.3.2 If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- 14.3.3 The Zoning Administrator shall submit to the Planning Commission and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Zoning Administrator shall maintain a record of all zoning compliance permits and certificates of occupancy.

### **SECTION 14.4 - ZONING COMPLIANCE PERMITS**

- 14.4.1 **Issuance of Zoning Compliance Permits:** No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without obtaining a zoning compliance permit from the Zoning Administrator for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Administrator.

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

# Article 14

## Administration of the Ordinance

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- A. The actual dimensions and shape of the lot to be built upon.
- B. The exact size and location of existing structures on the lot, if any.
- C. The location and dimensions of the proposed structure or alteration.

If the buildings, structures, and uses as specified in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a zoning compliance permit within ten (10) days of the filing date. Where action of the Board of Appeals or the Planning Commission is required as set forth in this Ordinance, and approval or a permit is granted, the Zoning Administrator shall issue such permit promptly following such action.

- 14.4.2 **Voiding of a Zoning Compliance Permit:** Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit may be extended upon reapplication subject to the provisions of all ordinances in effect at such time.

### **SECTION 14.5 - CERTIFICATE OF OCCUPANCY, FINAL INSPECTION**

14.5.1 **Issuance of a Certificate of Occupancy:**

- A. No building or structure, or part thereof, shall be occupied by any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Township immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.
- B. A Certificate of Occupancy shall be issued when the following criteria are met:
  - 1. Final inspections passed by all applicable permitting authorities to include Zoning, Building, Plumbing, Electrical and Mechanical.
  - 2. Certification by a licensed, certified engineer that the sewer and water systems have been constructed in accordance with the required plans and specifications, when applicable.
  - 3. The developer shall also submit costs and a set of "As Built" plans, when applicable.
- C. A certificate of occupancy shall be issued by the Zoning Administrator within five (5) days of the finding that all conditions are met.

- 14.5.2 **Voiding of Certificate of Occupancy:** Any certificate of occupancy granted under this Ordinance shall become null and void if the use or structure for which the certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance. The

# Article 14

## Administration of the Ordinance

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Zoning Administrator, upon finding such violation, shall immediately notify the Township Board of the violation and void the certificate of occupancy.

### **SECTION 14.6 - FEES, CHARGES, AND EXPENSES**

The Township Board shall establish a schedule of fees and a collection procedure for Zoning Compliance Permits, Conditional Use Permits, Site Plan Review, Appeals and any other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Township Board. No action shall be taken on permits or approvals granted until such fees have been paid in full.

# Article 14

## Administration of the Ordinance

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# Article 15

## Enforcement and Violations

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### **SECTION 15.1 – ENFORCEMENT**

The Township Board may instruct the Zoning Administrator or Township attorney to initiate a civil or criminal complaint or other legal action to enforce this ordinance. The Zoning Administrator or his/her designee is authorized to issue civil infraction citations under this ordinance.

### **SECTION 15.2 – CIVIL INFRACTION VIOLATION**

- 15.2.1 Unless otherwise specified in this ordinance, violations of this ordinance are a municipal civil infraction. Civil sanctions under this section may include, without limitation, fines, damages, expenses and costs as authorized by Public Act 326 of 1961, as amended, subject to the following provisions:
- 15.2.2 Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$75, plus other costs, damages, expenses and other sanctions for each infraction.
- 15.2.3 Increased civil fines may be imposed for repeat violations. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be not less than \$250, plus costs for a first repeat offense, and not less than \$500, plus costs per offense for a second repeat or any subsequent repeat offense.
- 15.2.4 A municipal civil infraction action may be commenced upon the issuance of a municipal civil infraction citation directing the alleged violator to appear in court.
- 15.2.5 Failure to answer a citation to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
- 15.2.6 Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages or expenses so ordered may result in enforcement actions, including, but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87, Municipal Civil Infractions, of the Revised Judicature Act of 1961 (PA 236 of 1961, MCL 600.8701 *et seq.*), as amended.
- 15.2.7 A municipal civil infraction is not a crime under this ordinance, and is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

### **SECTION 15.3 – MISDEMEANOR VIOLATIONS**

It shall be a misdemeanor, punishable upon conviction by a fine not to exceed \$500, plus other costs, imprisonment for a term not to exceed 90 days, or both fine and imprisonment; for any person who:

- 15.3.1 Makes a knowing false statement, representation or certification in an application, report, record, plan or other document filed or required to be maintained pursuant to this ordinance.
- 15.3.2 Willfully continues or violates this ordinance after suspension or revocation of a permit authorized under this ordinance, other ordinances or state law.

# Article 15

## Enforcement and Violations

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### **SECTION 15.4 – NUISANCE PER SE AND INJUNCTIVE RELIEF**

A violation of any regulation contained in this Ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons within the Township, and is deemed a public nuisance per se. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator or land owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law. The Township or any owner or owners of real estate within the Township may bring an action to enjoin such alleged violation activity.

### **SECTION 15.5 – CONTINUING OFFENSES**

Each day a violation continues constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

### **SECTION 15.6 LAND DIVISION VIOLATIONS**

Where there is a violation of the Land Division Act (PA 288 of 1967, MCL 560.101 *et seq.*), as amended, or the Spring Arbor Township Land Division Ordinance #49-B, no zoning or building permits shall be issued.

### **SECTION 15.7 – BUILDING CONSTRUCTION VIOLATIONS**

No person shall perform any construction, seek and receive a building permit, or an environmental health, soil erosion or other local permit enforced in the township, without an approved Zoning Compliance Permit.

### **SECTION 15.8 – OVERLAPPING JURISDICTION**

In addition to the approvals and permits required and specified in this Ordinance, the Zoning Administrator shall, prior to the issuance of any zoning permit, be satisfied that the permit for the particular development and/or construction have been or will be approved from such state or other local, county, state and/or federal agencies having jurisdiction in such matters pursuant to local ordinances, state or federal laws.

### **SECTION 15.9 – ADMINISTRATIVE LIABILITY**

No officer, member, agent or employee of the Township Board, Planning Commission or Board of Appeals shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause by discharging their duties and responsibilities pursuant to this Ordinance.



# Article 16

## Board of Appeals

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### **SECTION 16.1 - BOARD OF APPEALS ESTABLISHED**

- A. **Generally:** There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Article VI of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3601 *et seq.*), as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured and substantial justice done.
- B. **Regular Members:**
1. The Zoning Board of Appeals shall be composed of five (5) regular members appointed by the Township Board.
  2. A member of the Planning Commission shall also serve as a regular member of the Zoning Board of Appeals, but shall not participate in a public hearing on or vote on the same matter he or she voted on as a member of the Planning Commission.
  3. The Township Board will appoint the remaining regular members from the electors of the Township.
  2. A member of the Township Board may also serve as a regular member of the Zoning Board of Appeals, although he or she cannot serve as the Chair of the Zoning Board of Appeals nor participate in a public hearing on or vote on the same matter he or she voted on as a member of the Township Board.
  4. A vacancy on the Zoning Board of Appeals must be filled within 1 month of the resignation or removal of a member of the Board.
- C. **Alternate Members:**
1. The Township Board may also appoint up to two (2) alternate members to the Zoning Board of Appeals from the electors of the Township.
  2. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals if a regular member is unable to attend one (1) or more meetings or must abstain for reasons of a conflict of interest.
  3. The alternate member must serve on the case until it is decided.
- D. **Removal of Members:** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

### **SECTION 16.2 - DUTIES OF THE BOARD OF APPEALS**

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to act on as provided in this Ordinance. The Board of Appeals shall not have the power to alter or change the zoning district classification of any property; nor to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance.

# Article 16

## Board of Appeals

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nance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

### **SECTION 16.3 - VARIANCE**

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

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

- A. A written application for a variance is submitted, demonstrating the following:
  1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  3. That the special conditions and circumstances do not result from the actions of the applicant.
  4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when

# Article 16

## Board of Appeals

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made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  - 1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
  - 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

### **SECTION 16.4 - INTERPRETATION OF ZONING ORDINANCE**

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

### **SECTION 16.5 - APPEALS TO THE BOARD OF APPEALS**

- 16.5.1 **Filing:** Appeal from the ruling of the Zoning Administrator or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals or by general rule. The appeal shall be filed at the Township offices and shall be transmitted to the Board of Appeals along with all papers and exhibits constituting the record upon which the action appealed was taken.
- 16.5.2 **Who May Appeal:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.
- 16.5.3 **Fees:** A fee prescribed by the Township Board shall be paid at the time of filing the notice of appeal to Spring Arbor Township.
- 16.5.4 **Effect of Appeal; Restraining Order:** An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal is filed with the officer, that by reason of facts stated in the certificate, a stay would, in the officers opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the Board of Appeals or by the Circuit Court, on application, after notice to the officer from whom the appeal is taken and on due cause shown.

## Article 16

### Board of Appeals

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- 16.5.5 **Notice of Hearing:** When a request for an appeal has been filed in proper form with the Board of Appeals, a public hearing will be established in conformance with Section 17.3 of this Ordinance.
- 16.5.6 **Representation of Hearing:** At the hearing, any party or parties may appear in person or by agent or by attorney.
- 16.5.7 **Decisions of the Board of Appeals and Appeals to the Circuit Court:** The Board of Appeals shall decide all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the Zoning Administrator or Township Board from whom the appeal is taken. The Board of Appeals' decision shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each case. Any aggrieved party having an interest affected by such resolution shall have the right to appeal to the Circuit Court any question of law and fact.
- 16.5.8 **Appeals, Time Limitation:** An appeal taken under Section 16.5.1 must be filed within twenty-one (21) days after the decision or ruling is made upon which the appeal is based. Appeals from written decisions or rulings shall be made within twenty-one (21) days after the decision is reduced to writing and mailed to the party entitled to receive such decision.

# Article 17

## Amendment Procedures

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### **SECTION 17.1 - INITIATING AMENDMENTS AND FEE**

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

### **SECTION 17.2 - AMENDMENT PROCEDURES**

Amendments to this Ordinance shall be made in accordance with the provisions of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et seq.*), as amended, and the other provisions of this Section:

- A. The Township Clerk shall submit the petition for recommendation to the Planning Commission and report the receipt of a requested zoning change to the Township Board at its next meeting.
- B. A public hearing shall be set before the Planning Commission and a public notice regarding the proposed amendment shall be prepared as described in Section 17.3.
- C. After initial consideration, the Planning Commission shall hold the public hearing and make a recommendation to the Township Board.
- D. The request shall then be submitted to the Jackson County Planning Commission for its review and recommendation.
- E. Following review and recommendation by the Jackson County Planning Commission the petition shall be reviewed and final action taken by the Township Board. The Township Board may refer the matter back to the Township Planning Commission for further consideration.

### **SECTION 17.3 – PUBLIC NOTICING REQUIREMENTS**

All applications for development approval requiring a public hearing shall be made in accordance with the provisions of the Michigan Zoning Enabling Act (PA 110 of 2006 MCL 125.3101 *et seq.*), as amended, and the other provisions of this Section:

- 17.3.1 **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice must be published, The Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.
- 17.3.2 **Content:** All notices for public hearings shall:
  - A. **Purpose:** Identify the nature or purpose of the request (e.g., rezoning, text amendment, conditional land use, planned unit development, variance, appeal, ordinance interpretation, etc.).

# Article 17

## Amendment Procedures

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- B. **Location:** If the notice pertains to a specific property or properties, the location of the development approval must be identified. The notice shall include a listing of all existing street addresses within the subject property or properties. However, street addresses do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used (e.g., a tax parcel identification number, identifying the nearest cross street, including a map showing the location of the property, etc.). No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
- C. **When and Where:** Indicate the date, time, and place of the public hearing(s).
- D. **Comments:** Include statements describing when and where written comments will be received concerning the request and noting that the public may appear at the public hearing in person or by counsel.
- E. **Accessibility:** Include a statement concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

### 17.3.3. **Personal and Mailed Notice:**

- A. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - 1. The owners of property for which approval is being considered, and the applicant, if different that the owner(s) of the property.
  - 2. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Spring Arbor Township. If the name of the occupant is not known, the term “occupant” may be used in making notification.
- B. **Notice by Mail/Affidavit:** Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

### 17.3.4. **Timing of Notice:**

Unless otherwise provided in the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, or this Ordinance where applicable, notice of a public hearing shall be provided not less than fifteen (15) days before the date the application will be considered for approval.

# Article 17

## Amendment Procedures

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### **SECTION 17.4 - CRITERIA FOR CONSIDERING REZONING REQUESTS**

In reviewing an application for rezoning, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to the following:•

- A. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Plan;
- B. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
- C. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
- D. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

### **SECTION 17.5 - CONFORMANCE TO COURT DECREE**

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

# Article 17

## Amendment Procedures

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# Article 18

## Legal Status

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### **SECTION 18.1 - CONFLICT WITH OTHER ORDINANCES**

- 18.1.1 Conflicting Ordinances of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting Ordinances of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.
- 18.1.2 This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

### **SECTION 18.2 - VALIDITY AND SEVERABILITY CLAUSE**

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

### **SECTION 18.3 - PERIOD OF EFFECTIVENESS**

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

### **SECTION 18.4 - REPEAL OF ORDINANCE**

The "Zoning Ordinance of the Township of Spring Arbor, Michigan" adopted on June 14, 1971 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

### **SECTION 18.5 - EFFECTIVE DATE**

This Ordinance was adopted by the Board of Spring Arbor Township, Jackson County, Michigan, at a meeting held on \_\_\_\_\_ and notice ordered published in The Jackson County Legal News, a newspaper having circulation in said Spring Arbor Township.

Date \_\_\_\_\_ Supervisor: \_\_\_\_\_

Date \_\_\_\_\_ Clerk \_\_\_\_\_

Printed \_\_\_\_\_  
Marston Fortress, Supervisor  
Julia Stonestreet, Clerk

# Article 18

## Legal Status

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# Appendix A

## District Regulations for Lot, Setback and Building Height

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

ZONING DISTRICTS	ZONING SYMBOL	LOT REQUIREMENTS			MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT		MINIMUM TRANSITION STRIP REQUIREMENTS		
		MINIMUM AREA	MINIMUM WIDTH	MAXIMUM COVERAGE	FRONT	SIDE	REAR	PRINCIPAL	ACCESSORY			
Agricultural	AG-1	1 Acre	150'	10%	60'	30'	50'	2 ½ story or 35'	80'		Single-Family detached dwelling units.	
		2 Acres				60'*					All other uses.	
Rural Non-Farm	RNF-1	¾ Acre	150'	20%	35'	20'	35'	2 ½ story or 35'	25'		Single-family detached dwelling units.	
		1 Acre				35'*					All other uses.	
Suburban Residential	RS-1	10,000 sq. '	100'	30%	35'	10'	20'	2 ½ story or 35'	25'		Single-family detached dwelling units with central sewage and water systems	
		15,000 sq. '	120'			25' Tot					Single-family detached dwelling, units with-out central sewage and water systems.	
		1 Acre	120'			35'*					All other uses.	
Suburban Residential	RS-2	10,000 sq. '	100'	30%	35'	10'	20'	2 ½ story or 35'	25'		Single-family detached dwelling units with central sewage and water systems.	
		15,000 sq. '	120'								25' Tot	Single-family detached dwelling units with-out central sewage and water systems.
		15,000 sq. '	100'									Two-family dwellings with central sewage and water systems.
		20,000 sq. '	120'									Two-family dwellings without central sewage and water systems.
		1 Acre	120'									35'*
Multiple-Family Residential	RM-1	10,000 sq. ;	80'	25%	25'	10'	25'	2 ½ story or 35'	25'		Two-family detached dwelling units with central sewage and water systems.	
		15,000 sq. '	120'			25' Tot or 35'*					Two-family detached dwelling units without central sewage and water systems.	
		15,000 sq. '	100'			15,000 sq. ' for 1 <sup>st</sup> three dwelling units + 2,000 sq. ' for each add'l dwelling unit with central sewage and water system.						
		½ Acre	120'								All other uses.	
Office	O-1	10,000 sq. '	75'	35%	25'	10'	25'	2 ½ story or 35'	25'		Uses with central sewage and water systems	
		15,000 sq. '	100'			25' Tot					Uses without central sewage and water systems.	
Local Commercial	C-1	10,000 sq. '	75'	25%	35'	20'	20'	35'			15' wide and fence, well, or hedge 4' to 6' high if abutting a residential district. 20' wide, landscaped strip if fronting a public street.	
		15,000 sq. '	100'			35'*					Without central sewage and water systems.	
General ** Commercial	C-2	10,000 sq. '	75'	25%	35'	20'	20'	35'			15' wide and fence, well, or hedge 4' to 8' high if abutting a residential district. 20' wide, landscaped strip if fronting a public street.	
		15,000 sq. '	100'			35'*					Without central sewage and water systems.	
Highway Service Commercial	C-3	15,000 sq. '	100'	25%	35'	20'	20'	35'			15' wide and fence, well, or hedge 4' to 6' high if abutting a residential district. 20' wide, landscaped strip if fronting a public street.	
Light Industrial	I-1	20,000 sq. '	80'	25%	35'	20'	35'	35'			25' wide and fence, > 4' but < 8' high if abutting a residential or commercial district. 20' side landscaped strip if fronting a public street.	
						35'*						

\* Corner Lot

\*\* In Central Business District, no yard requirements or transition strips are required, only side yard and rear yard when abutting Residential Districts.

# Appendix A

## District Regulations for Lot, Setback and Building Height

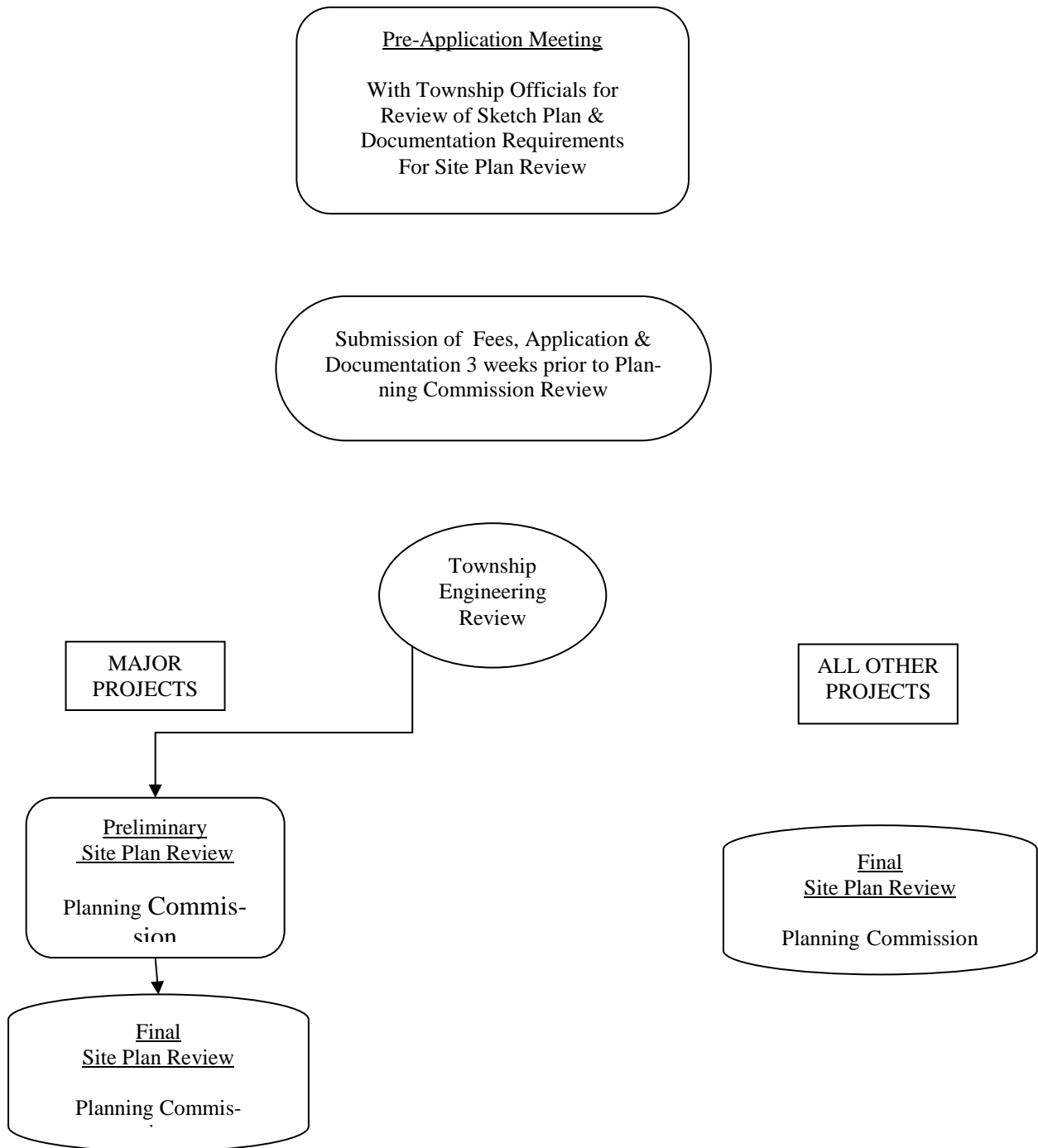
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# Appendix B

## Procedure For Site Plan Review

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# Appendix C

## Setbacks

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