

# **BUNKER Hill Township**

**Ingham County, Michigan**

## **ZONING ORDINANCE**

**Adopted:\_\_\_\_\_**  
**Effective Date:\_\_\_\_\_**

# **ACKNOWLEDGEMENTS**

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# **Article 1**

## **Title, Purpose, Construction and Scope**

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### **Section 1.1 Title**

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Bunker Hill Township." The Zoning Map referred to herein is entitled the "Zoning District Map of Bunker Hill Township."

### **Section 1.2 Purpose**

This Ordinance has been established for the purposes permitted by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, to provide for the regulation of land development and the establishment of districts in the portions of the township outside the limits of cities and villages; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that the use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements; and to promote the public health, safety and welfare.

In order to most efficiently protect and promote the public health, safety and welfare, and to accomplish the stated goals of the Township's Master Plan, the Township shall be divided into districts of such number, shape and area as it considers best suited to carry out the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

### **Section 1.3 Construction and 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 on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-

five (365) days from such effective date and be subject thereafter to the provisions of Article 10, Non-Conforming Uses, Structures and Lots of this Ordinance.

#### **Section 1.4            Conflict with Other Laws**

Wherever the requirements of this Ordinance are at variance with any other adopted regulations or ordinances, the most restrictive standards shall govern.

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, it shall be governed by the provisions of this Ordinance.

Any conflict or question concerning the true meaning or intent of this Zoning Ordinance shall be settled by the Zoning Board of Appeals, their decision being final. (See Article 15, Zoning Board of Appeals)

#### **Section 1.5            Validity and Severability Clause**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application or any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, then 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 1.6            Period of Effectiveness**

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

#### **Section 1.7            Repeal of Ordinance**

The Zoning Ordinance of Bunker Hill Township adopted by the Board of Bunker Hill Township on \_\_\_\_\_ and all amendments thereto is hereby repealed concurrent with the effective date of this Ordinance.

#### **Section 1.8            State Legislative Enabling Authority**

This Ordinance is adopted pursuant to Public Act 110 of 2006, as amended (MCL 125.3101 – 125.3702) and, when so far as it is applicable, the Michigan Planning Enabling Act (MPEA) of the State of Michigan, Public Act 33 of 2008. Said Public Acts covering the

MPEA (Act 33 of 2008) and Zoning Enabling (Act 110 of 2006) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.



## Article 2

### Definitions and Illustrations of Terms

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#### **Section 2.1        Purpose**

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 includes the singular. The word "shall" is always mandatory. The word "person" always 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". Any term not defined herein shall have the meaning of common or standard use.

#### **Section 2.2        Definitions**

**Accessory Buildings** A supplementary building or structure 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 principle use of the land or buildings.

**Accreted Land** Slow addition to land by deposition of water-borne sediment or an increase of land along the shores of a body of water, as by alluvial deposit.

#### **Adult**

- A. A person eighteen (18) years of age or older.
- B. A person who is placed in an adult foster care family home or an adult foster care small group home pursuant to Section 5(6) of Act No. 116 of the Public Acts of 1973, as amended, being Section 722.115 of the Michigan Compiled Laws.

**Adult Foster Care Facility** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been

exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended.

**Adult Foster Care Large Group Home** A facility with approved capacity to receive at least seven (7) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

**Adult Foster Care Family Home** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

**Adult Foster Care Congregate Facility** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

**Agriculture** The use of land for tilling of the soil, the raising of tree and field crops, or raising of animals as a source of income.

**Airport** The use of land, including water, runway, or other facility designed, used or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie down areas, hangars and other necessary buildings, structures and open spaces. Other uses to be included: ticket offices, restaurants, confections, luggage checking facilities, and parcel shipping facilities.

**Altered** Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type of use. Also includes the words "reconstructed" and "alteration". (Also see definition for "Structural Alteration.")

**Antique** A collectible item which is old and is collected or desirable because of its age, rarity, condition, utility, or other unique features.

**Antique Shop** A business establishment primarily devoted to the sale of furniture, silverware, jewelry, and other items that are generally at least one hundred (100) years old.

## **Animal**

A zoological species, classified for purposes of this Ordinance as follows:

- A. **Class I Animal** Domesticated household pets.
- B. **Class II Animal** An animal that is normally part of the livestock maintained on a farm, including.

1. Bovine and like animals, such as the cow.
2. Equine and like animals, such as the horse.
3. Swine and like animals, such as the pig and hog.
4. Ovis (ovine) and like animals, such as the sheep and goat.
5. Other animals, similar to those listed in subsections 1. through 4. above, weighing in excess of seventy-five (75) pounds, and not otherwise specifically classified herein, such as Llamas, Ostrich, Emu, or Elk.

- C. **Class III Animal** Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as wildfowl, such as pheasant, quail, geese or grouse, and other animals weighing less than seventy-five (75) pounds not specifically classified herein.

**Arcade** Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine or apparatus operated by a patron who plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddy rides, jukeboxes, bowling alleys, or pool tables.

**Architectural Features** Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments; anything not necessary to the main structure or shelter.

**As Built Drawing** Final drawings or plans that are the result of modifications in the field.

**Assembly or Dance Hall** A large public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

**Automobile Service Station** Any premises where gasoline and other petroleum products are sold. An automobile service station may include vehicle repair as defined. Also see definition of "Vehicle Repair Facility."

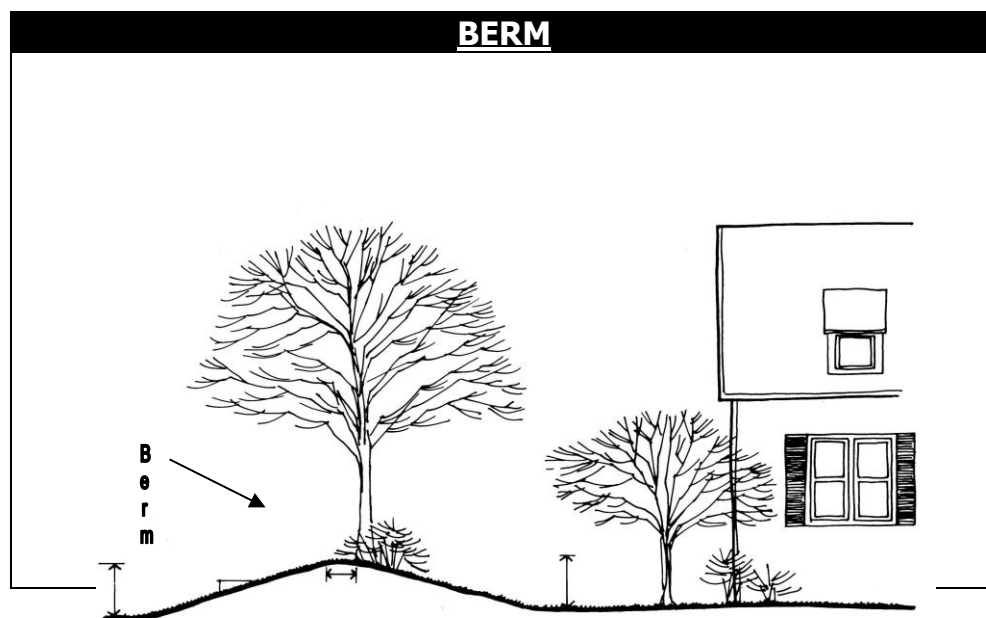
**Automobile Wash** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

**Basement** That portion of a building having more than one-half (1/2) of the average height below grade. (See illustration in Section 2.3 Illustration of Terms)

**Bed and Breakfast** A single-family residential structure that provides sleeping rooms and serves breakfast to its transient tenants.

**Bedroom** A bedroom is a dwelling room used for, or intended to be used in whole or in part, for sleeping purposes by human beings.

**Berm** A landscaped mound of earth that blends with the surrounding terrain.

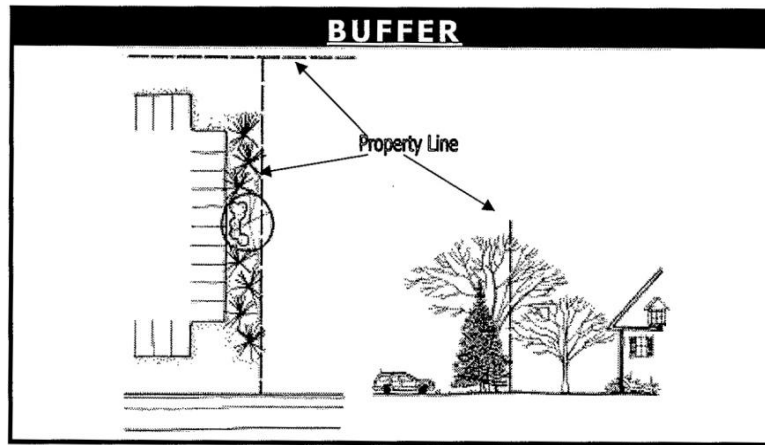


**Block** The portion of a street between two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**Board of Appeals** As used in this Ordinance, the term Board of Appeals means Bunker Hill Township, Michigan, Zoning Board of Appeals.

**Body Shop** See definition for Vehicular Collision Repair Facility.

**Buffer** A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.



**Building** An enclosed structure having a roof supported by columns or walls.

**Buildable Area** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

**Building Code** The currently designated code or codes regulating building construction in the Bunker Hill Township.

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

**Building Height** The vertical distance measured from average 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. (See illustration in Section 2.3, Illustration of Terms)

**Building Setback Line** The line established by the minimum required setbacks forming the area within a lot in which a building may be located, unless otherwise provided for by this Ordinance. (See illustration in Section 2.3, Illustration of Terms)

**Building, Main or Principal** A building in which is considered the principal use of the lot on which it is situated.

**Campground** A parcel of land in which sites are offered for the use of temporary living quarters for recreational units. For purposes of this Ordinance, the following additional terms are defined:

- A. **Recreational Unit** A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or drawn by another

vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

- B. **Temporary Living Quarters** As related to camping, means a recreational unit or a building within a camp, which is occupied or used for more than four (4) hours between the hours of 10:00 p.m. to 6:00 a.m., which is not intended to be occupied or used in excess of three (3) consecutive months.

**Church** A building or structure wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

**Cemetery** Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the dead. Also may include structures for the interment of the dead in sealed crypts or compartments.

**Clear Vision Area** The clear vision area (sometimes called the "sight triangle") is a triangular-shaped area on corner lots. Objects within this area are limited to between the heights of three (3) feet and ten (10) feet above the road grade level so that drivers stopped at an intersection can see oncoming traffic. (See Illustration in Section 2.3 Illustration of Terms)

**Clinic** An establishment where patients are examined and treated by physicians, dentists, veterinarians or members of similar professions.

**Club or Private Lodge** A non-profit association of persons who are bonafid members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available and that all applicable County Health Department rules and regulations are followed. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of the alcoholic beverage is in compliance with applicable Federal, State and Municipal laws.

**Collectables** Any class of items that can be collected for a hobby or for sale that are usually old.

**Commercial Recreation** A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, such as, but not limited to, an indoor or outdoor golf driving range.

**Commercial Use** Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or services.

**Community Wastewater Utility System or Systems** A facility which is owned by a non-governmental entity, licensed by the appropriate state and/or local agency or department, and is designed, constructed, operated and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) structure. (Also see, Wastewater System, Private).

**Condominium** A real estate project in which each unit owner has title to a unit within a building or a subdivision of land, and an undivided interest in the common areas of the project. Sometimes the unit owner also has the exclusive use of certain limited common areas.

**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.

The following other definitions shall also apply:

- A. **Condominium Documents** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- B. **Condominium Lot** 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.
- C. **Condominium Subdivision Plan** The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- D. **Condominium Unit** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **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 final amended master deed fully describes the condominium project as completed.
- F. **Contractible Condominium** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
- G. **Expandable Condominium** A condominium project to which additional

land may be added in accordance with this Ordinance and the Condominium Act.

- H. **General Common Elements** A general common element means and includes: elements of the condominium project owned in common by all co-owners and intended for common use or necessary to the existence, upkeep and safety of the project.
- I. **Limited Common Elements** Limited common elements means and includes those common elements which are reserved in the master deed for the exclusive use of less than all of the co-owners.
- J. **Master Deed** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- K. **Notice of Proposed Action** The notice required by Section 71 of the Condominium Act, to be filed with Bunker Hill Township and other agencies.
- L. **Site Condominium** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.
- M. **Conversion Condominium** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.

**Conflicting Non-Residential Land Use** Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a Residential land use.

**Conflicting Residential Use** Any residential land use developed at a higher density that abuts a residential land use developed at a lower density.

**Convenience Store** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with it and having a gross floor area of less than five thousand (5,000) square feet.

**Convalescent or Nursing Home** A convalescent home or nursing home is a state licensed facility for the care of children or the aged or the infirm, or a place of rest for those suffering bodily disorders.

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

- A. **Family Day Care Home** A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Day Care Home** A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **Day Care Center** A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

**Development:** When used to describe a planned land use for the purpose of providing single or multiple dwellings or spaces for such dwellings for the purpose of commercial profit will be defined as just that. This does not pertain to the individual or singular private residence.

**District** A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**Drive-In or Drive-Through Establishment** A business establishment that is characterized by providing service to patrons while seated within a vehicle.

**Drive-In Theater** A lot which is used commercially for the purpose of showing motion pictures which are viewed by patrons from the confines of a motor vehicle. A drive-in theatre also includes accessory uses and structures such as a snack bar, projector building, speaker stands and ticket office.

**Driveway** A residential vehicle access provided between a street or land and parking space, parking area or loading/unloading area, or between two (2) parking areas and shall be constructed of and maintained with a stable dustless surface, such as asphalt, brick, compacted gravel or macadam.

**Dwelling** A dwelling is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place, 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.

**Dwelling, Single-Family Detached** A building designed for and occupied exclusively as a residence for only one (1) family and not attached to any other building or dwelling units.

**Dwelling, Two-Family Attached** A building designed and used exclusively by two (2) families living independently of each other. Each unit is separated from each other by one (1) vertical common fire resistant wall.

**Dwelling, Multiple** A building used for and designed 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.

**Efficiency Unit** An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

**Equipment Rental** A building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public such as, including but not limited to, lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

**Erected** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations fill, drainage, and the like shall be considered a part of erection.

**Essential Services** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment or accessories reasonably in connection therewith for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Wireless communication facilities shall not be considered an essential service.

**Excavating** shall be the removal of sand, stone, gravel, or fill dirt to below-the-average grade of the surrounding land and/or the finished grade, whichever shall be highest, excepting common household gardening.

**Extraction** Sand and Gravel Pits etc: See definition for a Quarry.

## **Family**

- A. An individual or a group of two (2) or more persons related by blood, marriage or adoption, which may include foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**Farm** The land, buildings, and machinery used in the production of farm products. For purposes of this Ordinance, the following additional definitions shall apply:

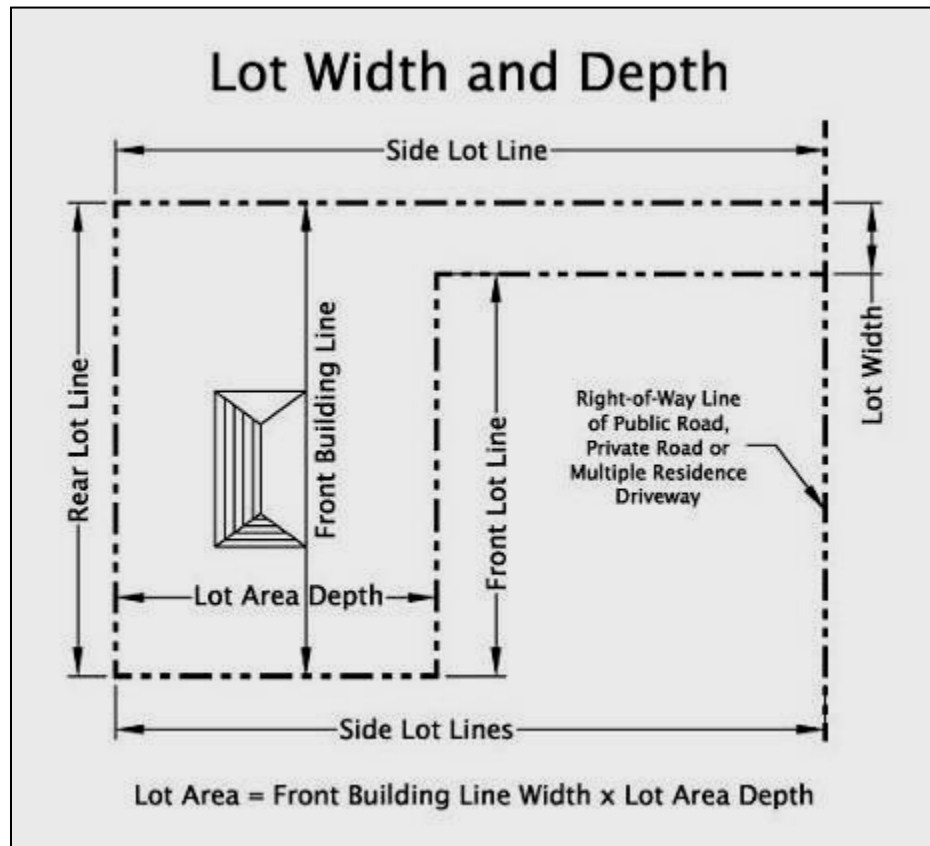
- A. **Farm Operation** A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- B. **Farm Product** Those plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

**Farm Supply, Wholesale/Retail** A building, structure or area where farm equipment and farm supplies are kept for sale, but shall not include any other establishment defined or classified herein.

**Fee Simple Ownership** The law recognizes this form of estate (ownership) in real estate as the highest form. The property owner is entitled to full enjoyment of the property, limited only by zoning laws, deed or subdivision restrictions or covenants. The duration of this ownership is not limited and can be passed along in a will to the owner's heirs.

**Fitness Center/Club** A building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna and solarium.

**Flag Lot** Flag lot means a lot, the major portion of which has access to a street by means of a comparatively narrow strip of land.



**Flood Plain** The relatively flat area or low lands adjoining the channel or watercourse or a body of water, which may be covered by floodwater when high amounts of precipitation are experienced. Determinants of flood plain are as follows:

- A. Contiguous areas paralleling major rivers or streams that constitute at their maximum edge the highest flood levels experienced in a period of one hundred (100) years.
- B. Principal wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.

**Floodway** The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

**Floor Area** The sum of the gross horizontal areas of several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls

separating two (2) buildings. The "floor area" of a building shall include the area of any floor, when more than one-half (1/2) of the room height is above the established curb level, or above the finished lot grade level where curb levels have not been established. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed located on the roof), penthouses, attic space having headroom of seven (7) feet, six (6) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading/unloading shall not be included in "floor area".

**Floor Area Ratio (FAR)** Floor area ratio (FAR) is the total floor area on a zoning lot divided by the area of that zoning lot. Each zoning district classification contains an FAR control which, when multiplied by the lot area of the zoning lot, produces the maximum floor area allowable on such lot.

**Floor, Ground** That portion of a building that is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

**Generally Accepted Agricultural and Management Practices (GAAMPS)** Those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation with the United States Department of Agricultural Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

**Game Refuge, Conservation Area** Land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant life, and includes a forest preserve.

**Garage, Commercial** A commercial establishment, open to the public, where cars are repaired, serviced, or parked.

**Garage, Private** An accessory building, attached or unattached, designed or used for the storage of non-commercial motor-driven vehicles.

**Golf Course** A golf course shall mean the premises upon which the game of golf is played, including clubhouse, parking lots, pro shop, and other structures and uses customarily incidental to a golf course.

**Grade Contact** The elevation of the finished ground surface along and adjacent to the exterior wall of a building.

**Greenbelt** An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area. For zoning purposes a greenbelt is a landscaped area,

established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.

**Greenhouse, Commercial, Non-Farm Related** A building, room, or area usually chiefly of glass, in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season for retail sale to the general public.

**Ground Floor Coverage (GFC)** The total ground floor area of the principal and all accessory buildings divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.

**Hazardous Substances** Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; 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 traditionally or customarily carried on in the home and which is carried on by members of the one (1) family residing in the dwelling provided that:

- A. Such occupation is incidental and secondary to the residential use, in the extent that not more than twenty five (25%) percent of usable floor area of the principal building, or fifty percent (50%) of an accessory building shall be occupied by such occupation;
- B. No article or service be sold or offered for sale on the premises except as is produced by such occupation;
- C. Such occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily located in residential areas;
- D. There shall be no external storage of goods or materials;
- E. It does not become or create a public nuisance with respect, but not limited to, noise, traffic or parking.

**Hospital** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

**Hotel** A building or structure or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made, and in which building there may be a general kitchen and/or public dining room(s) for the accommodation of the occupants. The word "hotel" shall not include "motel" or "motor court."

**Industrial Park** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

**Industrial Use** The use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

**Industry, Non-effluent Producing** An industrial use which does not utilize process waters and which does not produce wastewaters.

**Junk Yard, Scrap Metal, Tire Recycling, Etc** Any land or buildings where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, disassembled, recycled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards, scrape metal processors and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. In regard to "automotive junk yards," An auto dealer's license is required for scrap metal processors and used vehicle parts dealers. The Michigan Department of State's Bureau of Regulatory Services (BRS) regulates Michigan's new and used motor vehicle dealers. In regard to Scrap Metal Processor and Hauler: When purchasing vehicles and processing it for scrap metal (shredding); a license is required with the Michigan Department of State's Bureau of Regulatory Services (BRS). Tires: Public Act 133, 1990 requires that anyone engaged in the business of recycling tires to contact the Department of Environmental Quality.

**Kennel, Commercial** A commercial kennel shall mean any building, structure, enclosure or premises for the sole purpose of housing animals where four (4) or more dogs or cats, six (6) months of age or older, are kept for commercial purposes, including boarding, breeding, or sale, or the rendering of services for remuneration. For the purposes hereof, animals kept and maintained by a private kennel, shall not be deemed and considered a commercial kennel.

**Kennel, Private** A private kennel shall mean any building, structure, enclosure or other premises for the sole purpose of housing animals where three (3) or less dogs or cats, six (6) months of age or older, are kept, harbored or maintained, not for remuneration.

**Landscaping** The following definitions shall apply in the construction and application of this Ordinance:

- A. **Berm** A landscaped mound of earth that blends with the surrounding terrain. Usually at a slope of 1:3, with at least two (2) feet of flat space on top.
- B. **Buffer** A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- C. **Conflicting Non-Residential Land Use** Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- D. **Conflicting Residential Use** Any residential land use developed at a higher density that abuts a residential land use developed at a lower density.
- E. **Greenbelt** An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area. For zoning purposes a greenbelt is a landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
- F. **Opacity** The degree of being impervious or obscure to light and sight.
- G. **Plant Material** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

**Living Space** That area within a structure intended designed, erected or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for occupancy, measured from the exterior faces of the exterior walls, from the center line of walls separating two (2) buildings, from the center lines of interior walls, and excluding porches, garages, breezeways not usable the year around.

**Livestock Production Facility** An agricultural operation and facility where farm animals as defined in the Right to Farm Act are confined with a capacity of fifty (50)

animal units or greater along with the associated manure storage facilities. For purposes of regulation by this Ordinance, a facility with a capacity of less than fifty (50) animal units not otherwise regulated by the State of Michigan shall be considered a livestock production facility. (Source: Michigan Department of Agriculture. See Livestock Producer Facility Siting Request Application and Information Checklist)

**Loading/Unloading Space** An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

**Lot** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yard and other open space as are herein required.

- A. **Lot Area** The total area within the lot lines of a lot.
- B. **Lot, Corner** A lot abutting two (2) intersecting streets. (See Illustration in Section 2.3 Illustration of Terms)
- C. **Lot Coverage (Also Known as Ground Floor Coverage)** That part or percentage of the lot occupied by buildings or structures including accessory buildings or structures. (See Illustration in Section 2.3 Illustration of Terms)
- D. **Lot Depth** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines. (See Illustration in Section 2.3 Illustration of Terms)
- E. **Lot, Double Frontage** A lot, other than a corner lot, having frontage on two (2) roads which are more or less parallel. (See Illustration in Section 2.3 Illustration of Terms)
- F. **Lot Lines** Lines bounding a lot or parcel as follows; (See Illustration in Section 2.3 Illustration of Terms)
  - 1. **Front Lot Line.** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit (see Double Frontage Lot and Waterfront Lot). In the case of a corner lot having frontage on more than one (1) street, the corner lot shall be considered as having a front yard for each street front. (See Illustration in Section 2.3, Illustration of Terms)

2. **Rear Lot Line** The lot line opposite and parallel with the front lot line. When lots abut a lake, river or canal, the shoreline shall be the rear lot line. (See Illustration in Section 2.3, Illustration of Terms)
3. **Side Lot Line** Any lot line which is neither a front or rear lot line. (See Illustrations in Section 2.3, Illustration of Terms)

**Lot, Waterfront** A lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

**Lot, Width** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or front setback intersects the side lot lines. (See Illustration in Section 2.3 Illustration of Terms)

**Lot of Record** A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Ingham County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

**Lot, Zoning** A single tract of land, located within a single block which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership (person) or control and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

**Lumber Yard** An area, building or structure used for the storage of timber sawed into beams, planks or boards of convenient size that are for sale with other related retail items and services for construction purposes.

**Manufactured Home Sales** Business establishments engaged in the display and sale of factory built, single-family structures that are manufactured under the authority of the National Manufactured Housing and Construction Standards Code. For the purposes of this definition, mobile homes are considered a type of manufactured housing. Recreational vehicles, travel trailers and motor homes are not considered manufactured homes for the purposes of this ordinance and definition.

**Manufactured Housing** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing the seal that it is built in compliance with the National Manufactured Housing and Construction Standards Code or the State of Michigan Construction Code.

**Master Deed** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved by-laws for the project and the condominium subdivision plan for the project.

**Master Plan** The comprehensive land use plan for the Township, also known as the "Master Plan for Future Land Use," including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings and all physical developments of the Township, including any unit or part of such Plan separately adopted, and any amendment to such Plan or parts thereof adopted by the Planning Commission. The Township Board may by resolution, as provided in the Michigan Planning Enabling Act (MPEA) of the State of Michigan, Public Act 33 of 2008, have final approval of the Master Plan.

**Mezzanine** A mezzanine is an intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than one-third (1/3) of the area of the room in which the level or levels are located.

**Mobile Home** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (Source: Mobile Home Commission Act, Act 97 of 1987) Mobile home does not include a recreational vehicle.

**Mobile Home Condominium Project** A condominium project where mobile homes are intended to be located upon separate sites which constitute individual condominium units pursuant to the Condominium Act, Public Act 59 of 1978 as amended (M.C.L.A. 560.101 et. seq.)

**Mobile Home Dealer** Means a person, licensed by the State of Michigan, other than a manufacturer engaged in the business of buying mobile homes for resale, exchange, lease, or rent or offering mobile homes for sale, lease, rent, or exchange to customers.

**Mobile Home Park** A parcel or tract of land under the control of a person, upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as a seasonal or temporary trailer park pursuant to Mobile Home Commission Act, Public Act 96 of 1987 (M.C.L.A. 125.2301 et. seq.)

**Mobile Home Pad** That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

**Mobile Home Site** The entire area, which is designated for use by a specific mobile home.

**Mobile Home Subdivision** A mobile home park, except that the mobile home lots are subdivided, surveyed, recorded and sold in accordance with the Michigan Land Division Act, Public Act 288 of 1967, as amended.

**Motel** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile 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.

**Modular Housing Unit** A unit constructed solely within the factory in various sized modules, which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations, to form single-family dwellings which are either attached (in rows or clusters) stacked or detached.

**Mortuary/Morgue** A place where dead bodies are stored and prepared before cremation or burial.

**Night Club** A place of entertainment, open at night for eating, drinking, and dancing, usually having live entertainment. Proper licensing through the Michigan Liquor Control Commission for entertainment and serving of alcohol is required.

**Non-Conforming Building** A non-conforming building is a building or portion thereof existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

**Non-Conforming Lot** A lot, created prior to the effective date of this ordinance, or amendments thereto, which does not conform to the lot area regulations for the district in which it is located.

**Non-Conforming Use** A non-conforming use is a use which occupied a building or land at the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the zoning district in which it is located.

**Nudity or State of Nudity** Nudity or State of Nudity means the showing of either of the following:

- A. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;

- B. The female breast with less than a fully opaque covering on a part of the nipple.

**Nursery (Plant Materials)** A lot and/or structure or combination thereof for the growing, storage, wholesale sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside or temporary sales facility for Christmas trees.

**Nuisance** An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, loud music, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

**Occupy/Occupied** To live or reside in.

**Occupiable Space** A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress and light and ventilation facilities meeting requirements of the building code.

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

**Off-Premise Business** A business whose services are rendered off premise, but which may have incidental support functions (e.g. secretary, bookkeeper) provided on premise, primarily by resident family members.

**Off-Premise Service Vehicle** Operable licensed or unlicensed vehicle(s) associated with off-premise service businesses.

**Opacity** The degree of being impervious or obscure to light and sight.

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

**Open Storage** All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles and or other supplies.

**Open Space** Undeveloped land or common areas in preserved for parks, walking paths or other natural uses.

**Operator** Operator means the owner, permit holder, operating manager, person in charge of businesses such as but not limited to: service stations, tire stores, grocery stores, restaurants, any sexually oriented businesses.

**Park, Public** Any park, playground, beach, outdoor swimming pool, parkway, within the jurisdiction and control of a governmental agency authorized by State statutes to own and maintain parks.

**Parking Space** An area exclusive of driveways, or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress or egress of a motor vehicle to and from a street by means of driveways, aisles or maneuvering areas.

**Pawnbroker** Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any article of personal property as security for the payment or repayment of money.

**Pawn Shop or Collateral Loan and/or Exchange Establishments** Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

**Person** Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

**Personal Service Establishment** A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

**Planning Commission** The words "Commission" or "Planning Commission" shall mean the Bunker Hill Township Planning Commission.

**Planned Neighborhood Shopping Centers** A tract of land occupying less than four (4) acres which is located in and used for any purpose permitted in the Commercial District.

**Planned Unit Development (PUD)** A form of development usually characterized by the flexible application of zoning district regulations and 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.

**Plant Material** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

**Plant Nursery** A place where young trees or other plants are raised for experimentation, transplantation, or for sale.

**Playground** An area of landscaped open space equipped with children's play equipment such as slides, swings, wading pools or similar equipment and game areas.

**Plot Plan** A plot plan is an accurate drawing or map of property that shows the size and configuration of your property and the size and precise location of most man-made features (i.e. buildings, driveways and walls or fences) on the property. Plot plans are also described as a bird's eye view showing how a building sits on the building lot, typically showing setbacks (how far the building must sit from the road), easements, rights of way, and drainage. (See illustration in Section 2.3, Illustration of Terms)

**Porch, Enclosed** A covered entrance to a building or structure that 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 that 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.

**Pool or Billiard Hall** An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

**Practical Difficulty** A Practical Difficulty is a situation that limits the development of a property in the strict accordance with the zoning ordinance. A variance to the zoning ordinance to remedy such a situation may be granted, by the Bunker Hill Township Board of Appeals, after consideration of, but not limited to, the following:

- A. Whether strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonable prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
- B. Whether a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;

- C. Whether the plight of the owner is due to unique circumstances of the property;
- D. Whether the problem is self-created, in which case a variance is not normally granted.
- E. The Zoning Board of Appeals must insure that the "spirit of the ordinance is observed, public safety secured, and substantial justice done.

**Premise** All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

**Public Lodging House** A commercial establishment or place in which live five (5) or more members of the public, whether travelers or not, are charged for or pay for sleeping quarters in the form of cots or beds in the same room.

**Public Park** Public land which has been designated for park or recreational activities including a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township, which is under the control, operation, or management of the Township, the County Board of Commissioner's, the State of Michigan, or the U.S. Government.

**Public Utility** Any person, firm, corporation, municipal department, board or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, but not limited to the following:

- Electricity
- Natural Gas
- Steam
- Communications
- Telegraph
- Transportation
- Water

A public utility shall not, however, include cellular telephone operations.

**Quarry** The term quarry shall mean any, pit, excavation, extraction or mining operation for the purpose of removal of excavated material such as earth, topsoil, sand, aggregate, clay or stone, for sale, transportation, exchange or barter, away from the premises. Removal in excess of five hundred (500) cubic yards in any calendar year shall be deemed a quarry operation. "Away from the premises" shall be defined as any one of the following: a different lot of legal record, across a public road right-of-way or more than one thousand (1,000) feet from the site of excavation. Excavation by public authorities within a public right-of-way shall not be deemed an extraction operation.

**Recreational Area, Private** All lands and structures which are owned and operated by private individuals, a business or corporation which is predominately intended to

accommodate recreational vehicles and/or provide for outdoor recreational activities. Such use shall be located on not less than five (5) acres of land.

**Recreational Facilities** Recreational facilities shall include the following:

- A. **Active Recreation Area** An area of land dedicated to recreational activities that require intensive development of facilities and often involve cooperative or team activities.
- B. **Passive Recreation Area** An area of land dedicated to recreational activities that require a low-level of development and preservation of natural areas, and often involve solitary or small group, unstructured activities.

**Recreational Vehicle** "Recreational Vehicles" shall include the following:

- A. **Boats and Boat Trailers** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, private water craft (see below), plus the normal equipment to transport them on the highway.
- B. **Folding Tent Trailer** A canvas folding structure mounted on wheels and designed for travel and vacation use.
- C. **Motor Home** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. **Other Recreational Equipment** Other recreational equipment includes, but is not limited to, snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- E. **Pickup Camper** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. Pickup campers generally contain sanitary, water, and electrical facilities.
- F. **Tent, Camper** A vehicular, portable structure, built on a non-motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes, whose sides and top can be folded down into a compact trailer unit for traveling.
- G. **Travel Trailer** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

- H. **Personal Watercraft** A vessel of less than sixteen (16) feet that uses a motor powering a water jet pump as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the boat, rather than in the conventional manner of sitting or standing inside the boat.

**Religious Institution** Religious institution means any church, synagogue, mosque, temple or building, which is used primarily for religious worship and related religious activities.

**Residential Cluster Subdivision** A tract of land not less than five (5) acres, which is located in and used for any purpose permitted by Residential District.

**Recycling Bins** Containers positioned for public drop off of recyclable materials including but not limited to newspaper, cans, plastics, etc.

**Residential District** Residential district means any zoning district that permits residential dwellings such as: single-family detached, single-family attached and multiple family dwellings.

**Restaurant** An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon, and as accessory use thereto, may be engaged in providing customers with take-out service of food and beverages for off-site consumption.

**Restaurant, Carryout** An establishment in which the design of physical facilities, the serving or packaging procedures permit or encourage the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of foods in motor vehicles on the premises is neither permitted nor encouraged.

**Retail Establishment** A building where merchandise is offered or kept for retail sale, including storage of limited quantities of such merchandise sufficient only to service such store.

**Retaining Wall** A wall designed and constructed to hold back a mass of earth.

**Retail and Rental Store** A building, or structure, or parcel of land where goods, wares, or merchandise are sold or rented to the consumer for direct consumption or use, and not intended for resale.

**Riding Stable and/or Arena, Commercial** Any building, structure or area used for the boarding, breeding or care of horses, mules, or Ponies for commercial or business purposes, and not for personal use, other than horses used for farming or agricultural purposes. A Commercial riding stable and/or arena may include areas and facilities for

the training, riding, and/or driving of horses and for the offering of lessons to teach the riding and/or driving of horses.

**Riding Stable, Private** any building, structure or area used for the keeping of horses, mules and/or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

**Right-of-Way** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**Road Side Stand Commercial** A permanent structure, which is used seasonally for the sale of produce.

**Rooming House** A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

**Rooming Unit** Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

**Sanitary Land Fill** A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover at the conclusion of each day's operation or at more frequent intervals as necessary, and maintained in accordance with the provisions of Act 87 of Public Acts of 1965, as amended.

**Sanitary Sewer** Artificial conduits to convey water and waste matter to a central treatment facility.

**Saw, Lumber, Planing Mill** A building, structure or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for kiln drying of lumber and may or may not include the distribution of such products on a wholesale or retail basis.

**School** Any public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

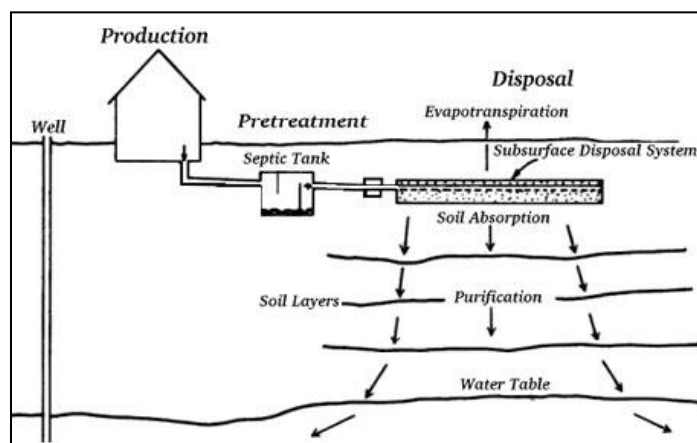
**Secondhand Store** Any building, structure, premises, or part thereof used solely or partially for the sale of, but not limited to, pre-owned clothing, furniture, books, or household goods, or solely or primarily for the sale of pre-owned household appliances.

**Self-Storage Facility** A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Such facilities are typically, but not necessarily, contained within a fenced, controlled access compound.

**Senior Citizen Housing** A building or group of buildings other than a hospital, hotel or nursing home which provides dwelling units for persons primarily sixty (60) years of age or older. Such housing shall conform to certain requirements as specified in this Ordinance in order to accommodate the special and different needs of the elderly.

**Septic System** A system constructed below grade consisting of a tank and perforated drain tiles designed to treat sanitary sewage.

### Conventional Septic System



**Engineered or Unconventional Septic Systems** While all septic systems are engineered to a point and must be approved by the local health department, sometimes an unconventional or engineered septic system is required when soil or groundwater conditions are not ideal. They can also be required when the field is located uphill from the home. Engineered septic systems can include mound systems with low-pressure distribution, sand filters, and bubbler systems. Most engineered systems include a pressure distribution system (pumping system).

**Setback** The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets. (See Illustration in Section 2.3 Illustration of Terms)

**Sexually Oriented Business** An establishment that provides adult entertainment appealing to the sexual interests of its customers. The definition of Sexually Oriented Business shall include, but is not limited to, the following: Adult Bookstore, Adult Novelty Store or Adult Video Store, Adult Cabaret/Adult Theater, Adult Motion Picture Theater, Adult Motel, Escort Agency, Massage Parlor, Nude Model Studio, Sexual Encounter Center

or any business or operation which provides for the sale of any product/s or service/s or accommodations for the purpose of sexual stimulation, arousal or gratification for money or any other form of consideration.

- A. **Adult Bookstore, Adult Novelty Store or Adult Video Store** An establishment which derives fifty (50%) percent or more of its revenue from, or maintains fifty (50%) percent or more of its in-store inventory (either measured by display area or retail value) in, one (1) or more of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, which are characterized by the depiction of specified sexual activities or specified anatomical areas.
  2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or related to specified sexual activities.
  3. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities and one (1) or more of the fifty (50%) percent thresholds in Section 6.25 (j) (a) above are met.
- B. **Adult Cabaret/Adult Theater** An establishment (nightclub, bar, restaurant, bottle club, or similar commercial establishment), whether or not alcoholic beverages are served, in which there is performed any live exhibition, show, dance, revue, floorshow, song, or other similar presentation, characterized by individuals in a state of nudity or engaging in specified sexual activities.
- C. **Adult Motion Picture Theater** An establishment used for a principal purpose of presenting motion pictures characterized by their emphasis on portrayals of specified anatomical areas or specified sexual activities.
- D. **Adult Motel** A motel, hotel or similar commercial establishment which:

1. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which specifically advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
  2. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
  3. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- E. **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. Escort means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person, to privately model lingerie or to privately perform a striptease for another person, or to provide specified sexual activities for another person.
- F. **Massage Parlor** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his/her specified anatomical areas. The definition of *sexually oriented businesses* shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.
- G. **Nude Model Studio** Any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Michigan, or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which

credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and,
2. Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

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

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

**Shopping Center** A group of commercial uses, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished from a business area comprising unrelated individual uses.

**Shopping Mall, Enclosed** A shopping center in which access by the general public to each individual store, premises or commercial establishment is obtained from the outside through a common entrance or entrances and from the inside through a covered common mall or aisle.

**Site Condominium** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. (See Condominium Development)

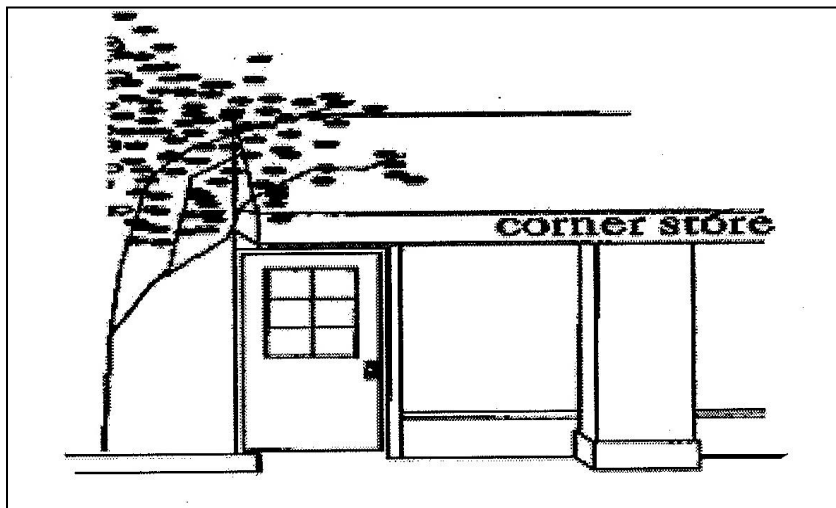
**Site Plan** The plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed locations and conditions of the lot including as required by Article 9, Site Plan Review, but not limited to: topography, vegetation, drainage, floodplains, wetlands, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.

**Sign** The display of any words, numerals, figures, devices, designs or trademarks to

make known an individual, firm, profession, business, product or message and which is visible to the general public. Several definitions for types of signs are listed below.

- A. **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.
- B. **Animated, Flashing or Moving Sign** A sign that has intermittently reflecting lights, or a sign which uses intermittent, flashing, scintillating, or varying intensity of illustration to create the appearance of movement or a sign that any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources.
- C. **Awning/Canopy Sign** Any sign attached to or constructed within or on an awning or on a canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not an awning/canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this Section.

#### **AWNING / CANOPY SIGN**

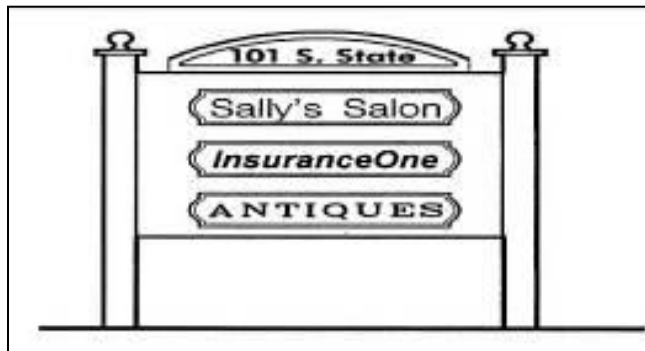


- D. **Banner** A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame.
- E. **Billboard** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted, and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972, as amended.
- F. **Building Sign** Any sign attached to any part of a building, as contrasted

to a freestanding sign. For purposes of this ordinance, building signs shall include: awning/canopy signs, identification signs, integral signs, marquee signs, projecting signs, roof and integral roof signs, wall, window, and suspended signs.

- G. **Business Center** A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of freestanding or ground signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used auto/truck sales shall be considered a separate use in determining the maximum number of freestanding signs, provided that the used sales section of the lot includes at least twenty-five (25%) percent of the available sales area.
- H. **Business Sign** An accessory sign related to the business, activity or service conducted on the premises upon which the sign is placed.
- I. **Changeable Copy** Moveable letters or other forms of sign copy, not including animated copy that can be altered by physical, mechanical or electrical means without replacing the sign copy area.
- J. **Change of Copy** The replacement of the name of a tenant with another on a sign listing tenants in professional offices or buildings, industrial parks or a commercial establishment. Change of copy shall not include any modifications to the sign structure or frame. Nor shall it include alternations of sign size.
- K. **Direction or Information Sign** A sign identifying a street or designating the location of a community or institution of public or quasi-public nature or the opening of an event of public interest, but not including signs pertaining to real estate, and not including any advertising matter.
- L. **Direction Sign** A freestanding sign located at the entry and/or exit of a business or commercial establishment that indicates traffic flow.
- M. **Directory Sign** A ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.

## DIRECTORY SIGN

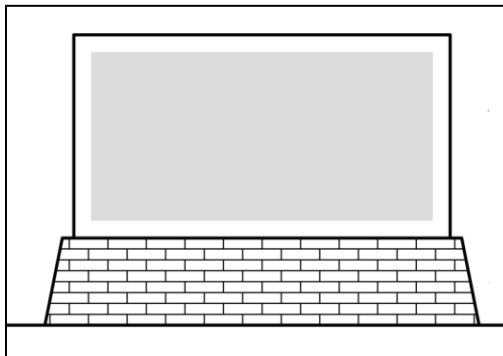


- N. **Flag** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
  
- O. **Flashing Sign** (See Animated Sign) Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.
  
- P. **Freestanding or Ground Sign** A sign supported directly by the ground or with support provided by uprights, braces, pylons or poles anchored in the ground that are independent from any building or other structure.
  
- Q. **Identification Sign** A sign which carries only the name of the firm, the major enterprise, 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.
  
- R. **Illegal Sign** A sign which does not meet the requirements of this code and which has not received legal non-conforming status.
  
- S. **Illuminated Sign** A sign illuminated in any manner by an artificial light source.
  
- T. **Inflatable Sign** A sign that is either expanded or its full dimensions are supported by gases contained within the sign, or a sign part, at a pressure greater than atmospheric pressure.
  
- U. **Incidental Sign** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and similar directives. No

sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

- V. **Institutional Bulletin Boards** A sign related to a public school, parochial school, private school, clubs or organizations, public park or recreation facility, church or other religious institution which identifies activities or events to take place which involve the patrons of such specific use.
- W. **Marquee Sign** A sign attached to any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- X. **Menu Board** A sign that is intended to service patrons using a drive-through facility.
- Y. **Mezzanine, Story.** A mezzanine is an intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than one-third (1/3) of the area of the room in which the level or levels are located. (ICC Code)
- Z. **Monument Sign** A ground sign mounted on a base directly to the ground.

## MONUMENT SIGN

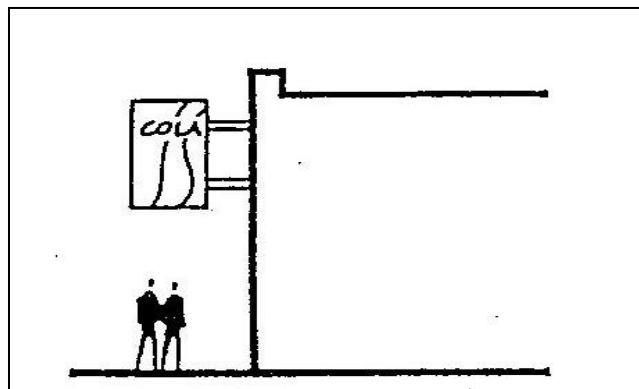


- AA. **Nameplate** Contains the name of the occupant, address of the premises, and sometimes, in the case of a home occupation the "occupation."
- BB. **Neon Sign** A sign consisting of glass tubing, filled with neon gas, which glows when electric current is sent through it.
- CC. **Non-Conforming Sign** Signs that are prohibited under the terms of this Ordinance but were in use and lawful at the date of enactment of this Ordinance.
- DD. **Obsolete Sign** Signs that advertise a product that is no longer made or

that advertise a business that has closed.

- EE. **Off-Premise Commercial Sign** A sign, including billboards, on which the written or pictorial information is intended to advertise a use located on other premises, and which is intended primarily for advertising purposes.
- FF. **Pennant Sign** A sign or display consisting of long, narrow, usually triangular flags of lightweight plastic, fabric, or other materials, that may or may not contain a message, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- GG. **Political Sign** A temporary sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.
- HH. **Portable Sign** A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include, but are not limited to: signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- II. **Projecting Sign** Any sign which is attached to a building or other structure which extends more than eight (8) inches beyond the face of the building or structure or eight (8) inches beyond the surface of that portion of the building or structure to which it is attached, and is perpendicular or nearly perpendicular to the building surface and is permanently attached to the building or structure surface. A projecting sign shall not include or be a part of any canopy, awning or marquee sign.

### PROJECTING SIGN

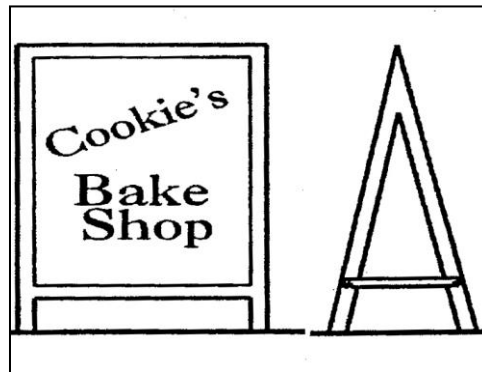


- JJ. **Real Estate Sign** A temporary sign placed upon property for the purpose

of advertising to the public the sale or lease of said property.

- KK. **Real Estate Development or Construction Sign** A temporary ground or wall sign, usually located at the entrance of a new project, which lists the name of project developers, contractors, engineers, architects, and the type of development. The sign can also contain general information about the project, such as the name, number and type of units to be built, square footage, price range and other similar information.
- LL. **Roof Sign** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.
- MM. **Sandwich Board Sign** A portable non-permanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours; consisting of an "A" frame or "T" frame or other temporary style, typically with not more than two (2) flat surfaces containing messages, and is not permanently affixed to any structure or to the sidewalk itself.

### **SANDWICH BOARD SIGN**



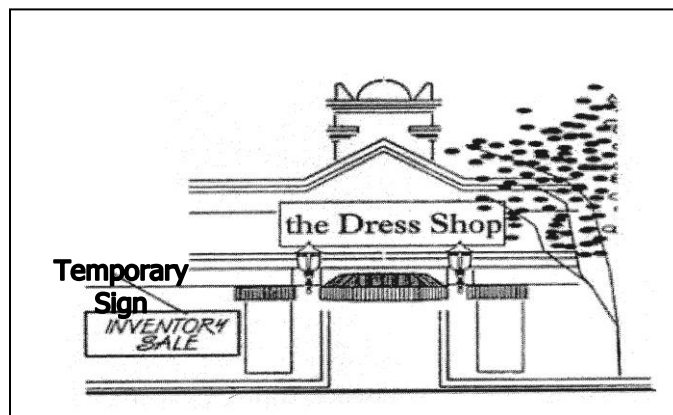
- NN. **Sign Height (Measurement Of)** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: a) existing grade prior to construction; or b) mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

## SIGN HEIGHT



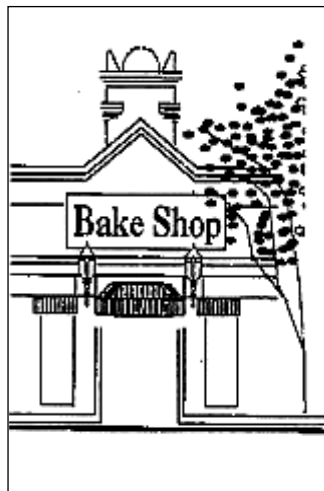
- OO. **Site Entry Features with Signage** An architectural feature that defines delineates and differentiates the entrance to a residential subdivision, apartment community, condominium development, mobile home park or office, business or industrial park, or similar development from a major thoroughfare without being a visual intrusion or distraction to the general public and the traveling motorist. Signage identifying the name of the development may be incorporated into the architectural feature.
- PP. **Subdivision Entranceway Sign** A sign, depicting the name of a residential, office/service, commercial or industrial subdivision, located at the entrance to such subdivision.
- QQ. **Temporary Sign** A sign that is used only temporarily and advertises a private or public seasonal or special event, function or sale. Temporary signs are not permanently mounted. For purposes of this ordinance, temporary signs shall include: balloon, banner, construction, and political, portable and real estate signs.

## TEMPORARY SIGN



- RR. **Time-Temperature Sign** A sign which displays the current time or outdoor temperature or both and which displays no other material except for the name of a business, product or service.
- SS. **Vehicle Business Sign** A sign painted or attached to a vehicle which is posted or placed upon an owner's premises primarily for purposes of advertising the premises. Commercially licensed vehicles which are generally used daily off-site are not included in this definition.
- TT. **Wall Sign** A sign fastened to or painted on the wall area of a building or structure that is confined within the limits of the wall with the exposed face of the sign in a plane approximately parallel to the plane of such wall.

### WALL SIGN



- UU. **Welcome Sign** A sign displaying the name of the owner or a sign saying welcome.
- VV. **Window Sign** Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Solid Waste Transfer Facility** A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the re-handling or temporary storage of solid waste or recyclable goods incidental to the transportation of solid waste.

**Solid Waste Processing Facility** A tract of land, building, unit, or appurtenance of a building or unit or a combination of land, building and unit that is used or intended for use for the processing of solid waste or the recovery of recyclable or compostable materials. The facility shall not include incinerators, waste to energy plants, junkyards or salvage operations.

**Specified Anatomical Area** Specified Anatomical Area means and includes any of the following:

- A. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
- B. The female breast with less than a fully opaque covering on any part of the nipple.

**Specified Sexual Activity** Specified Sexual Activity means and includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female or male breasts;
- B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal or tumescence;
- E. Excretory functions as part of or in connection with any of the activities set forth in subsections (a) through (d) of this subparagraph.

**Stable, Commercial** A stable with a capacity of five (5) or more horses, mules, or donkeys which are rented, hired, used, or boarded on a commercial basis or for compensation. (See Section 5.28)

**Stable, Private** A stable with a capacity of four (4) or less horses, mules, or donkeys which are used by the owners of the property. (See Section 5.28)

**Storm Sewer** An artificial conduit to convey storm water.

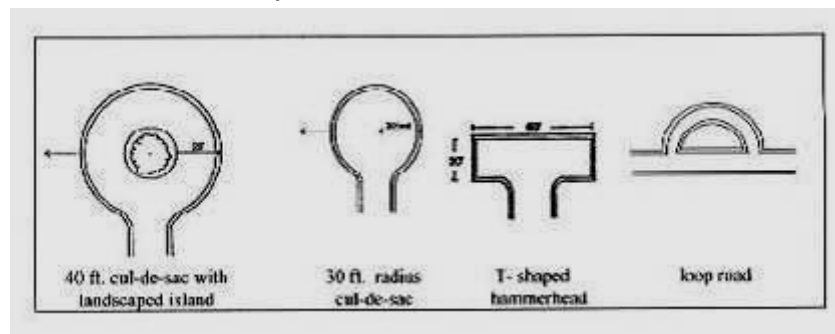
**Story** That portion of a building, included between the surface of any floor and the floor above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

**Story, Half** The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven (7) feet six (6) inches.

**Story, Mezzanine** A mezzanine is an intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than one-third (1/3) of the area of the room in which the level or levels are located.

**Street** A public or private traffic way having a right-of-way width of not less than sixty-six (66) feet, which meets the requirements of this ordinance, and which affords the principal means of vehicular access to the abutting property.

- A. **"Boulevard street"** means a street developed to two (2) two-lane, one-way pavements, separated by a median.
- B. **"Collector street"** means a street used primarily to carry traffic from minor streets to major thoroughfares.
- C. **"Cul-de-sac street"** means a minor street of short length, having one (1) end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
- D. **"Loop street"** means a minor street of short length with two (2) openings to traffic beginning from the same street, projecting parallel to each other and connecting at their termination by a loop.
- E. **"Major thoroughfare"** means an arterial street of greater continuity which is intended to serve as a large volume traffic way for both the immediate Municipal area and the region beyond, which may be designated on a municipalities Major Street or Thoroughfare Plan as a major thoroughfare, parkway or expressway, or an equivalent term to identify those streets comprising the basic structure of the street plan.
- F. **"Marginal access street"** means a minor street, parallel and adjacent to a major thoroughfare, which provides access to abutting properties and protection from through traffic.
- G. **"Minor street"** means a street of limited continuity used primarily for access to abutting residential properties.
- H. **"Turn-around"** means a street permanently terminated by a vehicular turn-around. See examples below.



**Street Line** The street line is that line thirty-three (33) feet from, and parallel to the centerline of a public road or private street approved by the Township board, unless the County or State Road Commission holds a right-of-way of greater or lesser width. In the latter case the Street Line shall be that line one-half (1/2) the distance of the right-of-way width from, and parallel to, the road centerline.

**Structural Alteration** The erection, strengthening, removal or other change of the supporting elements of a building, such as footings, bearing walls, beam, columns and the like.

**Structure** Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground.

**Structure Height** See Building Height

**Subdivide or Subdivision** Means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Act 288 of 1967 as amended, by Sections 108 and 109. "Subdivide" or "subdivision" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

**Supermarket** A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and may include facilities for parcel pickup.

**Swimming Pool, Commercial** A swimming pool and/or wading pool, including structures necessary and incidental thereto, operated by a non-governmental unit for profit.

**Swimming Pool, Community** A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by an association of members for the benefit of such association, incorporated or unincorporated, provided that said association is not organized for profit, and provided that the right to use such pools is restricted to these members and their guests.

**Swimming Pool, Private** A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel on which situated, and their guests.

**Temporary Building and Use** A building or use permitted by the Zoning Administrator to exist during periods of construction of the main building or use or for special events, said period not to exceed twelve (12) months. Renewable by the Zoning Administrator in increments of three (3) months, not to exceed two (2) years.

**Tenant Space** Tenant Space means a securable area, not for use as a dwelling, separated from other area by walls and doors that are available for lease or rent within a multi-tenant building, such as tenant spaces typically found within a shopping mall or strip mall.

**Theater** A place, either indoor or outdoor, where plays, operas or motion pictures are presented. (See Drive In Theater)

**Time Limits** Unless otherwise specified, time limits stated in this ordinance shall be measured from midnight of the date on which the cause of action arises. Specific units of measure shall be as follows:

- A. **Days** Consecutive periods of twenty-four (24) hours.
- B. **Weeks** Consecutive periods of seven (7) days.
- C. **Months** Consecutive periods of twenty eight (28) to thirty one (31) days,
- D. **Years** Consecutive periods of three hundred sixty-five (365) days.

**Tourist Home** See definition of Motel, herein.

**Townhouse** An attached house in a row or group, each house containing not more than two (2) dwelling units and each house separate from adjoining houses in the same row or group by common fire walls or fire separations.

**Township** The Township of Bunker Hill, Ingham County, Michigan.

**Turnabout** An approved circular driveway extending from an authorized curb cut to another such curb cut and including auxiliary parking spaces in excess of those required by this Zoning Ordinance.

**Transition Strip** An improved strip of land that functions as an aesthetic buffer between different land uses. A transition strip normally consists of living plant materials, however, a screen or wall may be substituted at the discretion of the planning commission, where permitted. A transition strip shall not be included as part of the required yard.

**Transient Amusement Enterprises** Transient amusement enterprises are uses that are temporary and not part of an established business or where no permanent or physical

structures or facilities are used such as: circuses, carnivals, music festivals, other similar amusements and similar gatherings of people.

**Transient Sales Lot** Any area that is used exclusively for the sale of or order for any merchandise where sales or order-taking are not part of the operation of an established business or where no permanent physical structures or facilities are used as integral parts of the sales or order taking operations.

**Truck Stop** Any building, premises or land where commercial vehicles are maintained, serviced, stored or repaired. Also included, is the dispensing of fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may include overnight accommodations and restaurant facilities solely for the use of truck crews.

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

**Use, Permitted** Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

**Use, Principal** The primary, or chief purpose for which a lot is used.

**Use, Special** A use that would be inconsistent with or detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or township as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in such zoning district as special land uses if specific provision for such special land use is made in this ordinance.

**Undevelopable Land** Land which has soil types or a high water condition which presents severe limitations on septic tank and tile fields.

**Usable Floor Area** The area for the purpose of computing parking and off-street loading space, is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise utilities shall be excluded from this computation of "usable floor area". Measurement of floor area shall be the sum of the gross horizontal areas for the several floors of the building measured from the interior faces of the exterior walls.

**Variance** A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

**Vehicle** Unless specifically indicated otherwise, a motorized vehicle intended to be driven on roads or trails, such as cars, pickup trucks, vans and motorcycles, and other vehicles defined as motor vehicles by the Michigan Vehicle Code.

**Vehicular Collision Repair Facility/Bump Shop** A facility which offers and provides for vehicle frame straightening, repair or replacement of vehicle sheet metal, vehicle painting or repainting and similar related services.

**Vehicle Repair Facility** A repair facility which offers or provides for repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs, including transmission repair shops, as well as shops used for the internal repair of engine components and drive train repair, and radiator repair. Vehicle Collision Repair Facilities are expressly excluded from this definition.

**Vehicle Sales and Farm Equipment Sales Area** Areas for the display and retail sale or rental of vehicles and farm equipment where no repair work is done, and, in the case of trailers, where trailers are not used as living quarters.

**Vehicle Sales and Service Facility** A building or premises used primarily for the sale, lease or rental of new and/or used vehicles. These facilities may also provide both vehicle repair services in a completely enclosed building as an ancillary service.

**Wastewater System, Private** A system, owned and operated by a private entity having no superintending public control, consisting of pipes and structures, including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the public health. Such systems shall be regulated or licensed by the Michigan Department of Health or other applicable agencies. (Also see Community Wastewater Utility System or Systems)

**Wastewater System, Public (Municipal)** A system, owned and operated by a municipality, consisting of pipes and structures, including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the public health. Public and/or Municipal systems have a public superintending control.

**Watercourse** Any waterway or other body of water having well defined banks, including drains, rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds.

**Wetlands** Poorly drained lands that are generally or intermittently covered with water, which, by nature of their surface and/or sub-surface soil characteristics are self-contained water resources, including marshes, swamps and bogs.

**Wildlife Preserve** Land kept and/or managed to protect and propagate wildlife.

**Wireless Communication Facilities** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals shall be Wireless Communication Facilities. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- A. **Attached Wireless Communications Facilities** Shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- B. **Wireless Communication Support Structures** Shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- C. **Collocation** Shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

**Yard** An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

- A. **Front Yard** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- B. **Rear Yard** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.

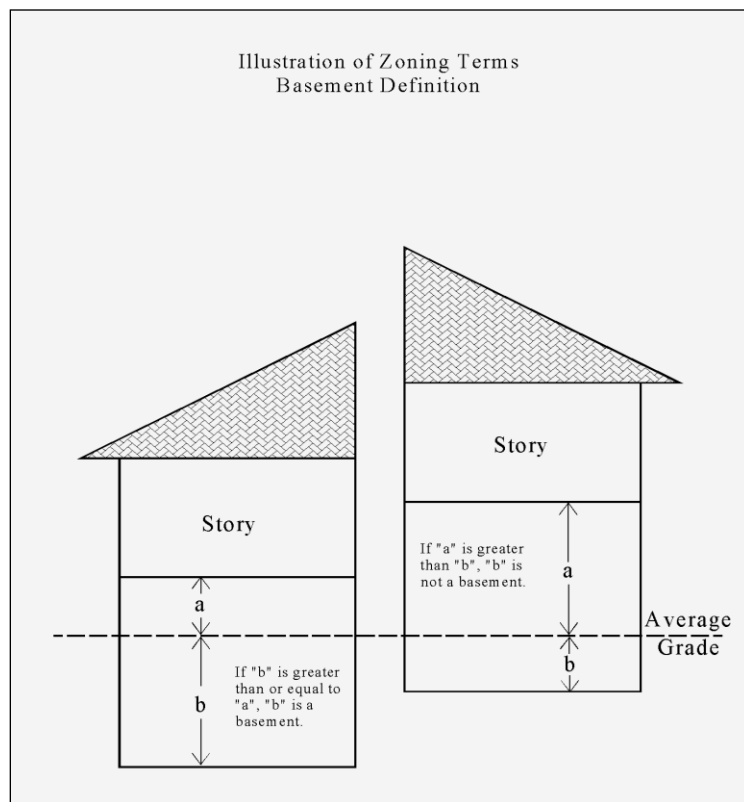
- C. **Side Yard** A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

**Zoning Administrator** The administrative official designated by the Township Board to administer and enforce the Zoning Ordinance.

**Zoning Permit** A permit required by Section 3.3, prior to commencing any construction or land use activity regulated by this Ordinance. This, or a companion form, is used to certify compliance with all terms of this Ordinance.

## Section 2.3 Illustrations of Terms

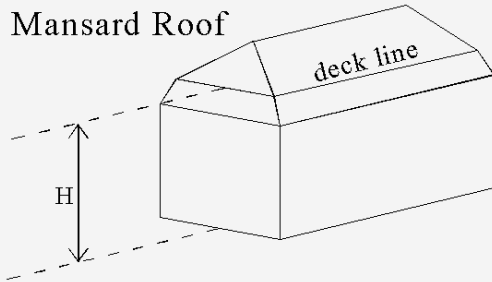
Illustrations of key zoning terms are provided on the following pages. In all cases, the specific definition as provided in Section 2.2 shall apply.



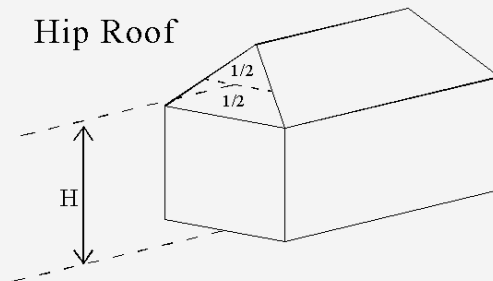
**See definition of Basement in Section 2.2**

Illustration of Zoning Terms  
Measuring Building Height

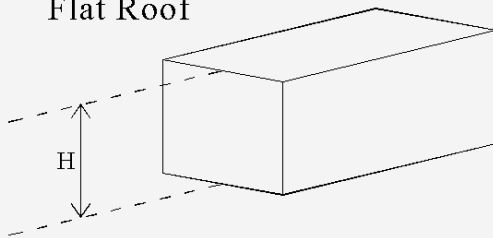
Mansard Roof



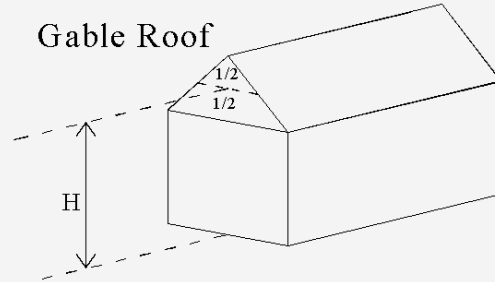
Hip Roof



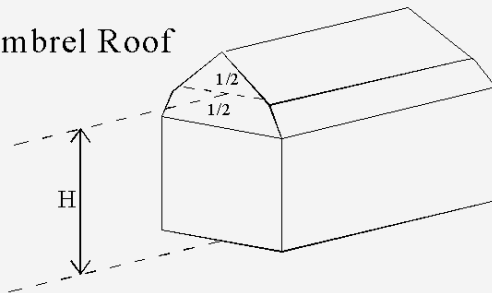
Flat Roof



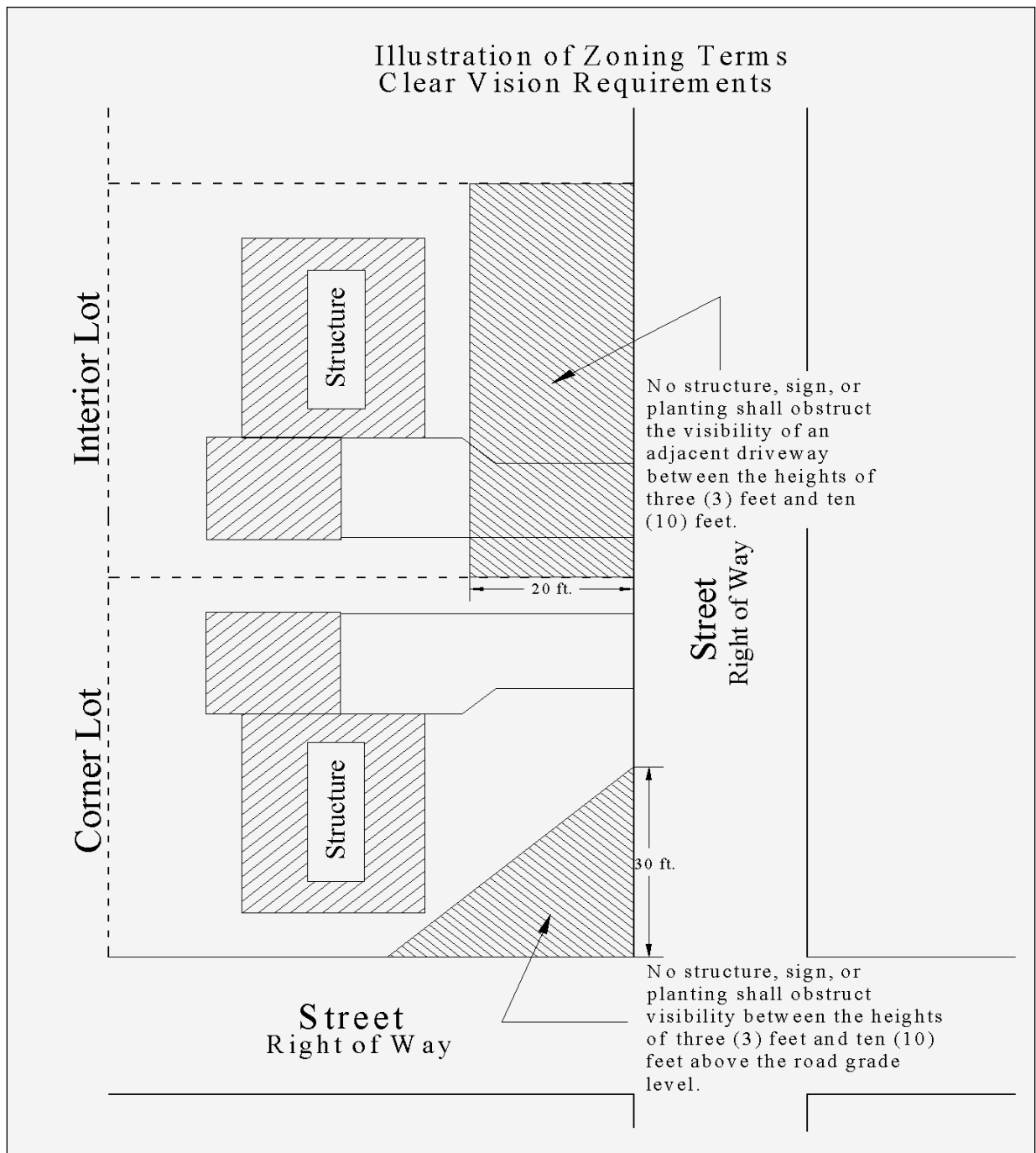
Gable Roof



Gambrel Roof

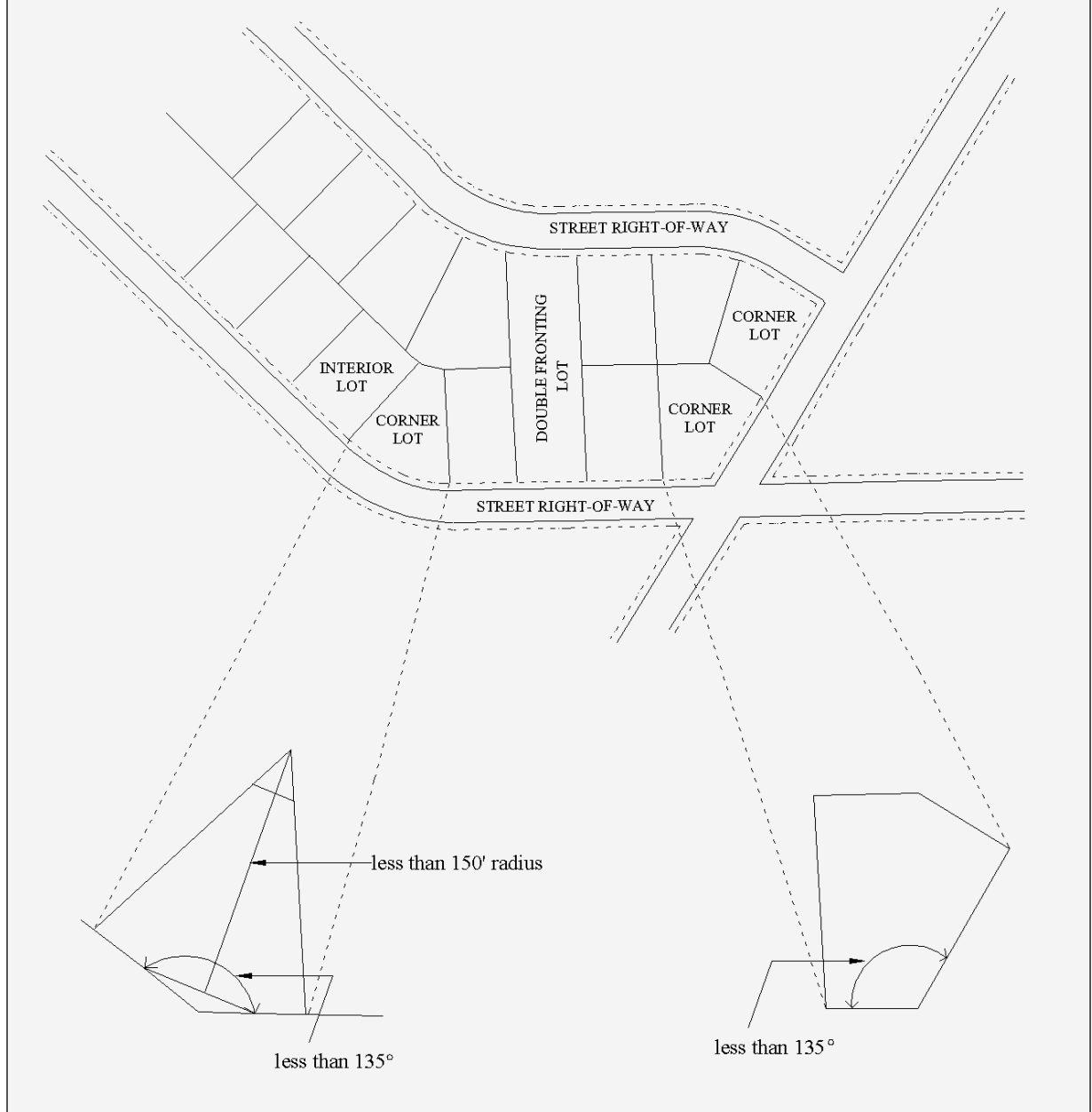


**See definition of Building Height in Section 2.2**



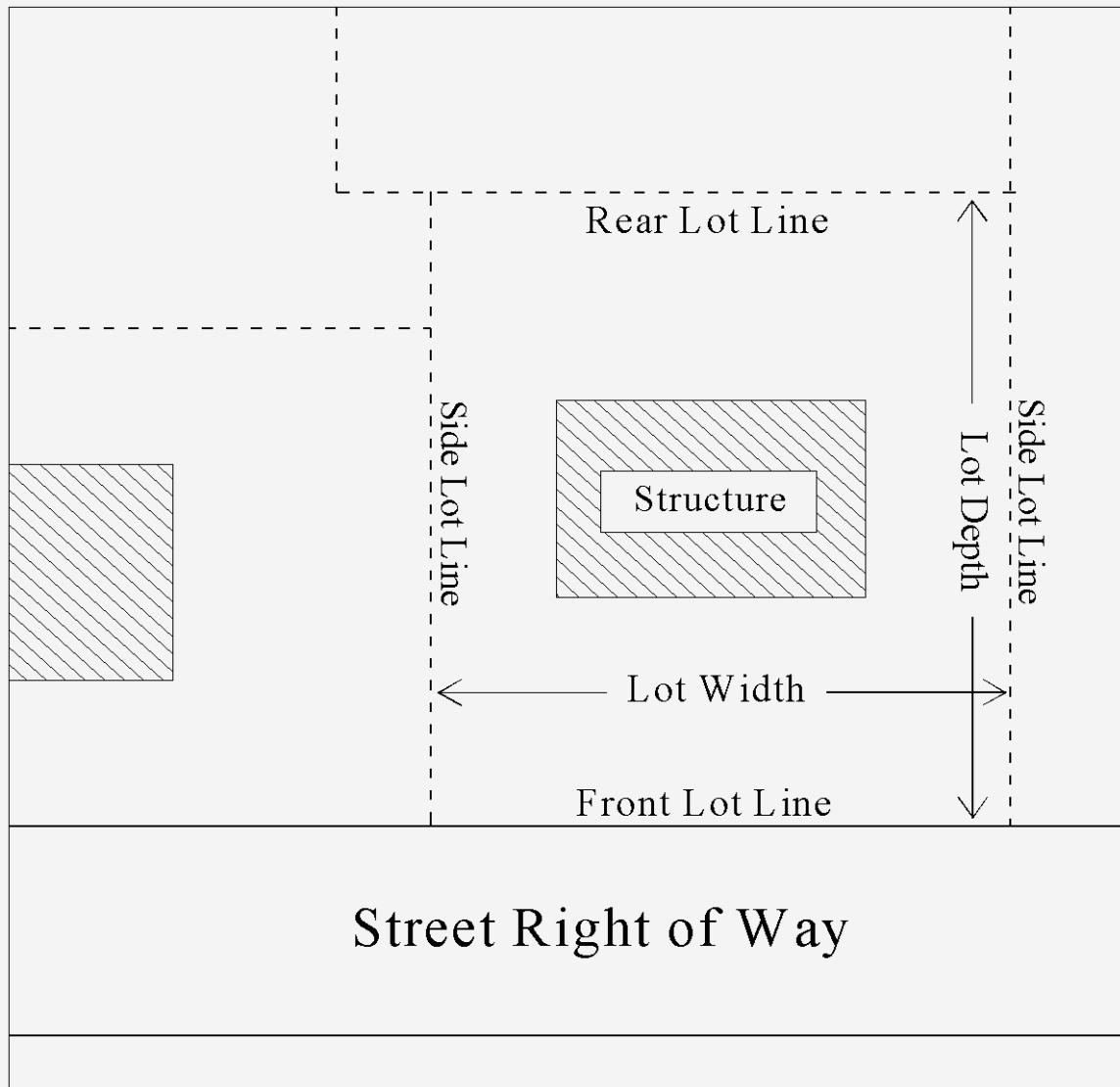
**See definition of Clear Vision Area in Section 2.2**

Illustration of Zoning Terms  
Corner and Double Frontage Lots



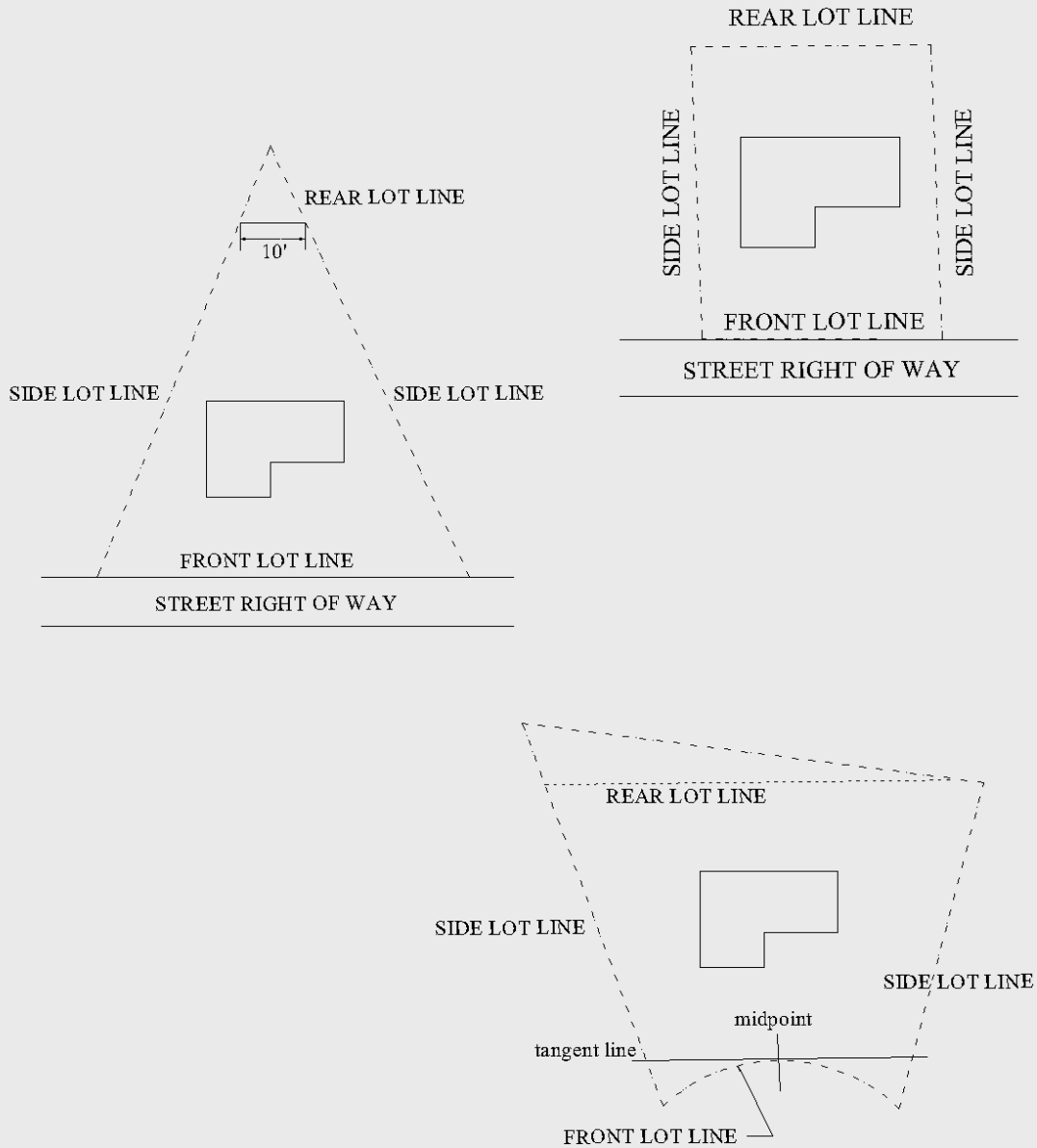
**See Lot definitions of Corner and Double Frontage in Section 2.2**

Illustration of Zoning Terms  
Lot Lines, Width, Depth



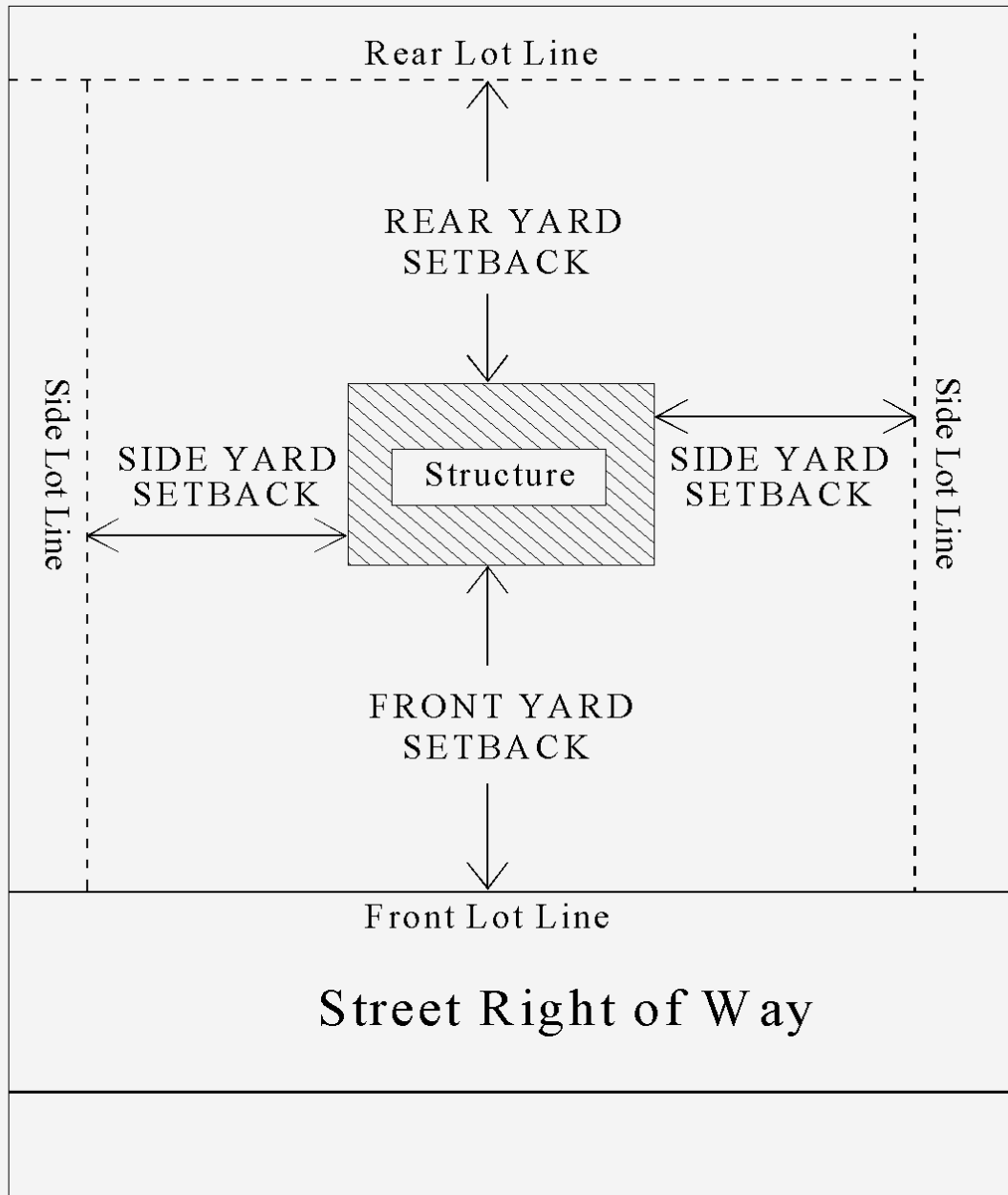
**See definition of Lot Lines in Section 2.2**

## Illustration of Zoning Terms Lot Lines



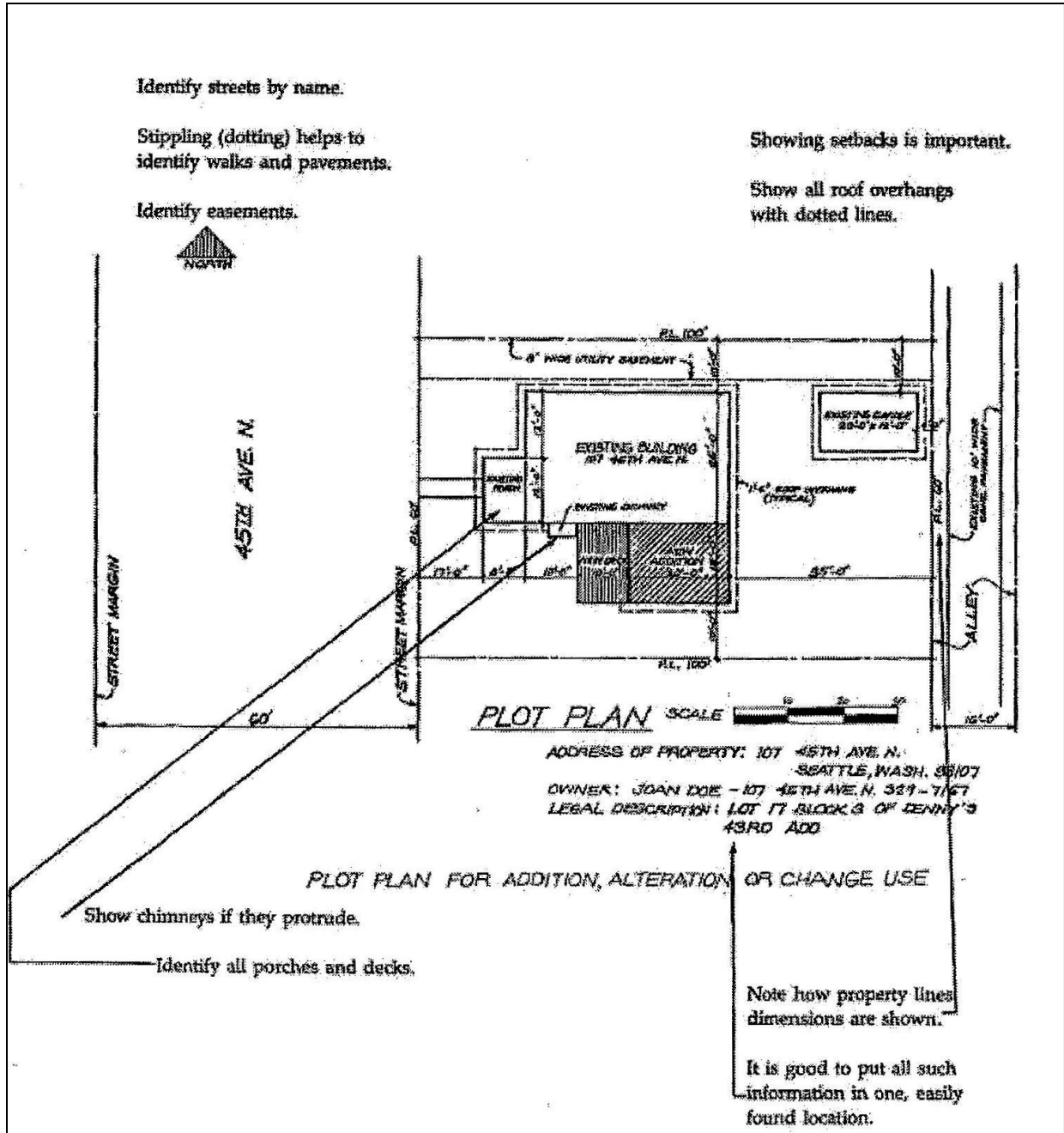
**See definitions of Lot Lines in Section 2.2**

## Illustration of Zoning Terms Setbacks



**See definition of Setback in Section 2.2**

## Plot Plan



See definition of Plot Plan in Section 2.2

## **Article 3**

### **Administration and Enforcement**

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#### **Section 3.1            Purpose**

The purpose of this article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and the review of land use and development plans, issuance of Zoning/Building Permits, inspections of property and buildings for compliance with the zoning map, building codes and regulations, and the establishment and collection of permit fees, handling of violations and enforcement of the provisions of this Ordinance and any amendments to it.

#### **Section 3.2            Duties of the Zoning Administrator**

The Zoning Administrator, with the assistance of the Building Inspector, shall:

- A.     Issue Zoning Permits and Certificates of Zoning Compliance.
- B.     Maintain written records of all actions taken by the Zoning Administrator and Building Inspector and meet with the Planning Commission upon request.
- C.     Make periodic site inspections of the Township to determine Ordinance compliance, answer complaints on Zoning Ordinance violations, and file monthly reports to the Township Board and Planning Commission.
- D.     Review all applications for site plan review and special use permits for which the Planning Commission and Township Board are required to decide under this Ordinance and implement the decisions of the Township Board.
- E.     Review all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications with recommendations to the Zoning Board of Appeals for determination.
- F.     Review all applications for amendments to this Ordinance and report to the Planning Commission and Township Board all such applications together with recommendations.
- G.     Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy to be maintained by the Township Clerk.

- H. Be responsible for providing forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance and be responsible for information necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.
- I. The Zoning Administrator shall seek remedy for all violations of this Ordinance. The Zoning Administrator may issue written notice of zoning ordinance violations. In addition, the Zoning Administrator may issue civil infraction, complaint and appearance tickets.

### **Section 3.3. Zoning/Building Permits and Certificate of Zoning Compliance**

- A. **Zoning/Building Permit** A Zoning Permit is required and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his/her agent, by the owner or his/her agent for the following conditions:
  - 1. **Construction, Enlargement, Alteration** The construction, enlargement, alteration, or moving of any dwelling, building or structure or any part thereof, requiring earth anchorage being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes. Repairs of a minor nature or minor alterations (painting, gutters, general maintenance, etc.) which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a Zoning Permit/Building Permit.
  - 2. **Change of Use** A Zoning/Building Permit may be issued when the use of a building is being changed to another use that is allowed in the district as a permitted principal use provided there is no enlargement or alteration to the building or property. The Zoning Administrator must also be satisfied that the change in use will conform to the applicable set backs, yards, parking, and other specific Zoning Ordinance requirements of the district where the change in use is occurring. Also see Article 7, Special Land Use Procedures.
- B. **Application for Zoning/Building Permit** Application for Zoning/Building Permit shall be made in writing upon a form furnished by the Zoning Administrator, and includes the following in the form of a site plan and/or a narrative of explanation if needed. (See Site Plan Illustration, Section 2.3, Illustration of Terms) For future pictorial guidelines and requirements pertaining to follow.

1. The location, shape, area, and dimensions for the parcel(s), lot(s) and acreage.
2. Any location of the proposed construction upon the parcel(s), lot(s), or acreage affected with dimensions from each lot line to the proposed building(s) and dimensions from each lot line to other existing buildings on the site.
3. The dimensions, height, and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The present use of any structure affected by the construction or alteration.
6. The yard, open area, and parking space dimensions, if applicable.
7. Any other information deemed necessary by the Zoning Administrator in order to determine that the use, structure, or parcel is in compliance with the Zoning Ordinance.

C. **Voiding of Zoning/Building Permit** Any Zoning/Building Permit granted under this section shall be null and void unless the development proposed shall have had all of the rough framing construction phase completed as defined herein within one (1) year from the date of granting the permit. Completion of the rough framing phase shall require that all interior walls and partitions shall be erected, all exterior walls shall be completely closed in, exterior to be completely finished, all exterior doors installed, and the roof and roofing material completed and the construction has been inspected and approved by the Township Building Inspector. Any zoning permit granted under this Ordinance shall expire eighteen (18) months from the date of its issuance except that it can expire earlier if rough construction has not been completed within one (1) year from the date of granting the permit as provided herein above. The Zoning Administrator may suspend or revoke a zoning/building permit issued in error or on a basis of incorrect information supplied by the applicant or his/her agent or if there is a violation of any of the ordinances or regulations of the Township.

D. **General Rules that Apply to Certificates of Zoning Compliance**

1. No vacant land shall be used and no existing use of land shall be changed unless a Certificate of Zoning Compliance is first obtained for the new or different use.

2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Zoning Compliance shall have been issued for such building or structure.
3. Certificates of Zoning Compliance shall constitute certification of compliance with the Zoning Ordinance and all applicable building codes.
4. A record of all Certificates of Zoning Compliance issued shall be kept on file in the Bunker Hill Township office and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
5. Certificates of Zoning Compliance shall be issued within ten (10) days after the final zoning inspection if the building or structure or use of land is in accordance with the provisions of this Ordinance and the other applicable laws of Ingham County and the State of Michigan to the extent known to the Zoning Administrator.

**F. Inspections – Zoning/Building Permit**

1. The construction of use affected by the Zoning/Building Permit shall be subject to the following inspections:
  - a. At the time of staking out the building foundation or location of the structure.
  - b. At the time the footings and/or basement are poured.
  - c. Upon completion of the construction authorized by the zoning permit.
2. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall issue written approval at the time of inspection if the building or proposed construction meets the requirements of the Zoning Ordinance. Failure of the applicant to call for an inspection within seventy-two (72) hours from the completion of those items designated in paragraphs a., b., and c. above, shall be considered a violation of the Zoning Ordinance and a violation of the Zoning/Building Permit. Likewise the building inspector has \_\_\_ to respond by inspection after notification. Failure of \_\_\_ Building/Zoning Administrator to respond should be reported to \_\_\_ township supervisor.

3. Should the Zoning Administrator determine that the building or structure is not located according to the land use application or the site plan approved by the Township Board, or is in violation of any provision of the Zoning Ordinance or any other applicable law, he shall so notify, in writing, the holder of the permit or his/her agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance is certified by the Zoning Administrator.
4. Should a Zoning/Building Permit holder fail to comply with the requirements of the Zoning Ordinance and/or call for the inspections as provided in paragraph F. 1 above, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Zoning Ordinance requirements and such posting shall be considered as service upon and notice to the permit holder, of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall be a Zoning Ordinance violation and a violation of the Zoning Compliance Permit and the Zoning Administrator may issue stop work order.

- F. **Issuance of Certificate of Zoning Compliance** The Zoning Administrator shall sign a Certificate of Zoning Compliance on the Zoning/Building Permit form or as a separate document, upon completion of construction, enlargement, alteration, conversion, moving or establishment of a use upon land or in a building or structure.

Whenever a Final Site Plan has been granted approval, a Certificate of Zoning Compliance shall be issued within 10 days upon completion of all work authorized by the approved site plan.

- G. **Need for Site Plan Review Under Article 9, Site Plan Review** If the Zoning Administrator determines, that a site plan review is required, as per article 9.2 then the applicant shall follow the requirements of this ordinance for site plan review and approval, Article 9, Site Plan Review. If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning/Building Permit upon the payment of the required Zoning/Building Permit fees and other fees which are set by the Township Board.

### **Section 3.4            Building Permit**

A Building Permit may be issued by the Zoning Administrator, when, and only after, the approval of the final Site Plan (see Article 9) by the Zoning Administrator when required. The Building Permit will then come under the authority of the Building Inspector and remain under his/her authority until proper completion of approved construction. No Building Permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof, which does not comply with all provisions of this Ordinance and unless a Zoning Permit has been issued by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless the Zoning Administrator shall have issued a Building Permit.

### **Section 3.5            Certificates of Occupancy**

It shall be unlawful to use or occupy or permit the occupancy of any land, building, or structure for which a Zoning/Building Permit is required until the Zoning Administrator shall have issued a Certificate of Occupancy, stating that the provisions of this Ordinance, along with all applicable have been complied with. A Certificate of Occupancy shall constitute certification of zoning compliance as well. A Certificate of Occupancy shall not be required for agriculturally-used lands and structures; however a Zoning/Building Permit is required for such uses and structures.

- A.     Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, if, after inspection, it is found that same is in conformity with the provisions of this Ordinance, and any other applicable statutes, laws, ordinances, and/or regulations.
- B.     Temporary Certificates of Occupancy may be issued for a period not to exceed one hundred twenty (120) days for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, provided that such portions of the building or structure are in conformity with the provisions of this Ordinance and other applicable ordinances.
- C.     Buildings or uses accessory to dwellings shall not require a separate certificate of occupancy but may be included in the certificate for the dwelling when shown correctly on the site/plot plan and when completed at the same time as said dwelling.
- D.     Applications for Certificates of Occupancy shall be made in writing to the Zoning Administrator on forms furnished by the Zoning Administrator. Certificates shall be issued within seven (7) days after receipt of application if there is compliance with Section 3.5.A. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

### **Section 3.6 Compliance with Plans**

Certificates of Zoning Compliance and Certificates of Occupancy shall be issued upon the basis of the plans and applications approved, respectively, by the Township Zoning Administrator and Building Inspector with such certificates authorizing the use, construction, development, and configuration of structures set forth in such approved plans and applications, and no other use, construction, development, or configuration of structures shall be allowed unless further approved by the township Zoning Administrator or Building Inspector. Any development, use, or construction at variance with that authorized herein shall be deemed a violation of this Ordinance and punishable as provided by Section 3.9, herein.

### **Section 3.7 Fees, Charges, and Expenses**

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

### **Section 3.8 Performance Guarantee Required**

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township Board upon the recommendation of the Planning Commission or Zoning Administrator, may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls and landscaping.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Township.
- B. Where the Township Board requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a Zoning Permit by the Township for the development and use of the land. Upon the deposit of the performance

guarantee the Township shall issue the Zoning Permit if all requirements are met.

- C. The permit shall also prescribe the period of time within which the improvements, for which the performance guarantee has been required, are to be completed. The period will begin from the date of the issuance of the compliance permit.
- D. Upon the satisfactory completion, as determined by the Zoning Administrator, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited. However, the Township is not required to deposit the performance guarantee in an interest-bearing account, or to pay any interest.
- E. In the event the applicant defaults in making the improvements for which the performance guarantee was required, within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with the proposed use prior to the Township conditional approval, the applicant may not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

## **Section 3.9            Enforcement**

### **Penalties**

- A.    Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than One Hundred Dollars (\$100), nor more than Five Hundred Dollars (\$500) for the first offense and not less than Five Hundred Dollars (\$500), nor more than One Thousand Dollars (\$1,000) for each subsequent offense at the discretion of the court, and in addition to all other costs, damages, and expenses provided by law.
  - 1.    For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided however, the offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.
  - 2.    The Township Board may institute injunctive action, mandamus abatement, or any other appropriate actions or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, maintenance or use of land, buildings, or structures.
- B.    Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any provisions thereof, is hereby declared to be a public nuisance per se.
  - 1.    Each day that the violation occurs or continues shall be deemed a separate offense.
  - 2.    The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.



## Article 4

### Zoning District Regulations

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#### SECTION 4.1      Districts Established

For the purposes of this Ordinance, Bunker Hill Township is hereby divided into the following Zoning Districts:

| ZONING DISTRICTS |                                       |
|------------------|---------------------------------------|
| <b>RC</b>        | Recreation Conservation District      |
| <b>A1</b>        | Agricultural Business District        |
| <b>A2</b>        | Agricultural District                 |
| <b>R1</b>        | Low Density Residential District      |
| <b>R2</b>        | Moderate Density Residential District |
| <b>NC</b>        | Neighborhood Commercial District      |
| <b>LI</b>        | Light Industrial                      |

#### Section 4.2      District Boundaries

- A.    **Boundaries** The boundaries of the districts listed in Section 4.1 are hereby established as shown on the Bunker Hill Township Zoning Ordinance Map, which is part of this Ordinance.
- B.    **Interpretation of District Boundaries** Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:
1.    Boundaries indicated as approximately following the center lines of streets, roads, highways, or alleys shall be construed to follow such center lines.
  2.    Boundaries indicated as approximately following platted lot lines or Township limits shall be construed as following such lot lines or Township limits.
  3.    Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
  4.    Boundaries indicated as parallel to or extensions of features indicated in Section 4.2.B.1-3, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

5. Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Zoning Board of Appeals shall interpret the district boundaries.
  6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.
  7. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, or other survey line shall be construed as following such line.
  8. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- C. **Determination by Zoning Board of Appeals** All questions of exact location of any boundary line shall be determined on written request by the Zoning Board of Appeals consistent with the provisions of this Ordinance.

### **Section 4.3            Application of District Regulations**

The regulations herein established within 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, buildings, structure, or uses throughout each district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restriction, or covenants, the most restrictive, or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner: No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by variance as herein described by this Ordinance.

- A. **Permitted Uses** Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts. Other uses of the same nature or class may be permitted as those listed as permitted uses in a district, which, as determined by the Planning Commission and/or Board, are no more intrusive or detrimental to the surrounding area than those listed in Section 4.4, Schedule of Use Regulations. All other uses are prohibited.
- B. **Accessory Uses and Buildings** Accessory uses are permitted only if such

uses are clearly incidental to the permitted principal uses. Subject to Section 6.2, Accessory Uses and Buildings.

- C. **Special Uses** Special uses as authorized by Article 7, Special Use Procedures and as listed in Section 4.4, Schedule of Use Regulations. Other uses of the same nature or class may be permitted as those listed as special uses in a district, which, as determined by the Planning Commission and/or Board, are no more intrusive or detrimental to the surrounding area than those listed in Section 4.4, Schedule of Use Regulations. Additional requirements for certain special uses are set forth in Article 5, Special Provisions.
- D. **Building Erected or Altered** No building shall hereafter be erected or altered except by appeal as herein described by this Ordinance, to:
1. Not conform to the standards specified in the district in which the building is located.
  2. Exceed the height limit specified for the district in which such building is located.
  3. Occupy a greater percentage of lot area than is specified for the district in which such building is located.
  4. Intrude upon the required front, rear, or side yards, as specified for the district in which such building is located.
  5. Accommodate or house a greater number of families than is specified for the district in which such building is located.
  6. Provide less living space per dwelling unit than is specified for the district in which such building is located.
- E. **Reduction, Diminishment of a Lot** No lot area shall be reduced or diminished so that yard setbacks and other open spaces shall be smaller than specified, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.
- F. **Yards and Open Space Not to Be Used Twice** No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

- G. **Buildings and Lot of Record** Every building or structure erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple dwelling, commercial, and industrial developments, there shall be no more than (1) principal building/structure and its permitted accessory structures located on each lot in any district, unless specified elsewhere in the Ordinance.
- H. **Street, Alley or Other Public Way Vacated** Whenever any street, alley or other public way within the Bunker Hill Township shall have been vacated by official governmental 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 shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.
- I. **Fill/Created Land/Accreted Land** Whenever any fill is placed in any lake, stream or other body of water, the land created, either by man made or accreted through natural causes, shall automatically and without further governmental action shall be subject to the same zoning regulations as are applicable to lands to which the created land shall attach or be adjacent to. The created land shall be used for the same purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.
- J. **Setback Measurements** Required yard setbacks shall be measured from the road right-of-way to the setback line. No exterior face of a structure may protrude into the required yard space except for the outer edge of roof overhangs or cornices, which may extend up to one (1) foot into the required yard. All required yards shall be located parallel and adjacent to property lines.
- K. **Exemptions for Area, Placement and Height Regulations**
1. The following structures may be located anywhere on any lot: Open and unroofed terraces, patios, flag poles, hydrants, clothesline, trellises, portable outdoor cooking equipment, sidewalk and private driveways, trees, plants, shrubs and hedges, fences, screens, or light poles. Anything constructed, erected, placed, or planted or allowed to grow, shall conform to the provisions of Section 6.6 herein, Clear Vision Requirement.

2. The following structures and appurtenances shall be exempt from the height regulations of this ordinance: cupolas, spires, belfries, mechanical penthouses, and domes, chimneys, ventilators, skylights, water tanks, public utility transmission and distribution lines and related structures, radio, and television broadcasting and receiving antennae, silos, grain storage bins, parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy. Wireless and/or cellular towers and/or facilities are not exempt from height restrictions.
3. An entrance structure, including but not limited to walls, columns or gates, may be placed in a subdivision, or other residential developments without regard to yard requirements provided that the location of such a structure shall be reviewed by the Planning Commission and approved by the Township Board before a building permit shall be issued. The location of such a structure shall conform to the provisions of Section 6.21 herein, Visibility at Intersections.
4. Signs identifying a development by name and address may be mounted on an entry structure or made a structural part thereof, provided that such signs shall conform to all sign regulations, of the district in which located, and to the provisions of Article 14, Signs, herein.

## **Section 4.4            Schedule of Use Regulations**

### **4.4.1            RC, Recreation/Conservation District**

#### **Purpose**

The purpose of the RC, Recreation Conservation District is to regulate the location of buildings, structures, and the use of parcels and lots in order to protect the natural resources, natural habitats of wildlife, waterways and water bodies, agricultural capabilities, public and private recreation areas, and the public health, safety and welfare of Bunker Hill Township.

#### **A.    Uses Permitted by Right in the RC District**

1.    Adult Family Day-Care Homes, subject to Section 5.2.
2.    Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six (6) or fewer adults), subject to Section 5.3.

3. Child Group Day-Care Homes, subject to Section 5.2.
4. Child Foster Family Group Homes, subject to Section 5.3.
5. Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements are established, subject to Section 6.7.
6. General and specialized agricultural activities, subject to all applicable Generally Accepted Agricultural Management Practices (GAAMPS).
7. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
8. Signs, only in accordance with the regulations specified in Article 14.
9. Single-family dwelling, detached.
10. Accessory uses and buildings, subject to Section 6.2.

#### **B. Special Land Uses in the RC District**

The following uses of land, buildings, or structures are permitted in this District subject to obtaining a special land use permit as provided in Article 7, Special Use Procedures.

1. Adult Group Day-Care Homes, subject to Section 5.2.
2. Adult Day-Care Centers, subject to Section 5.2.
3. Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.3.
4. Child Group Day Care Homes, subject to Section 5.2.
5. Child Day Care Centers, subject to Section 5.2.
6. Child Foster Family Group Homes, subject to Section 5.3.
7. Campgrounds and travel trailer parks, subject to Section 5.11.
8. Golf courses, subject to Section 5.20.
9. Home occupation subject to Section 6.10.

10. Public or private country clubs with or without swimming pools and accessory structures, hunting lodges, forest preserves, game refuges, recreation clubs, parks and play grounds.
11. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.
12. The sale of food and beverages and retail items incidental and accessory to a recreational use.
13. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be seeded after stripping by the fall of the same year in which it was stripped as to reduce the actual potential of soil erosion.

See Section 4.4.9 Schedule of Area, Height and Placement Regulations.

#### **4.4.2 A1, Agricultural Business District**

##### **Purpose**

The purpose of the A1, Agricultural Business District is the protection and stabilization of primary agricultural lands within the Township, thereby insuring conditions for continued productive agriculture. The requirements of this district are designed to impede encroachment of non-agricultural land uses into primary agricultural lands and thus preserving agricultural resources, environment and economy, including the tax base.

##### **A. Uses Permitted by Right in the A1 District**

1. Adult Family Day-Care Homes, subject to Section 5.2.
2. Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six (6) or fewer adults), subject to Section 5.3.
3. Agra-businesses.
4. Child Group Day-Care Homes, subject to Section 5.2
5. Child Foster Family Group Homes, subject to Section 5.3.

6. Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights of way or easements are established, subject to Section 6.7.
7. General and specialized agricultural activities, subject to all applicable Generally Accepted Agricultural Management Practices (GAAMPS).
8. Home occupations, subject to Section 6.10.
9. Intensive livestock operations, subject to Section 5.21.
10. Kennel, private, subject to Section 5.24.
11. Livestock auction yards/markets, subject to Section 5.25.
12. Riding stable, private, subject to Section 5.28.
13. Signs, only in accordance with the regulations specified in Article 14.
14. Single-family dwelling, detached.
15. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be seeded after stripping by the fall of the same year in which it was stripped as to reduce the actual potential of soil erosion.
16. Accessory uses and buildings, subject to Section 6.2.

## **B. Special Land Uses in the A-1 District**

The following uses of land, buildings, or structures are permitted in this District subject to obtaining a special land use permit as provided in Article 7, Special Use Procedures.

1. Adult Group Day-Care Homes, subject to Section 5.2.
2. Adult Day-Care Centers, subject to Section 5.2.
3. Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.3.
4. Private airports, helipads and other landing craft facilities, subject to Section 5.5.
5. Animal rescues or shelters, subject to Sections 5.7.
6. Bed and Breakfast, subject to Section 5.10.

7. Child Group Day Care Homes, subject to Section 5.2.
8. Child Day Care Centers, subject to Section 5.2.
9. Child Foster Family Group Homes, subject to Section 5.3.
10. Cemeteries, subject to Section 5.12.
11. Churches, synagogues, mosques, or other buildings used for public worship, subject to Section 5.13.
12. Commercial radio or television stations or transmitters.
13. Convalescent centers, nursing homes, and housing for the elderly subject to Section 5.16.
14. Extracting, removing, filling, depositing or dumping operations, subject to Section 5.17.
15. Farm equipment sales.
16. General and specialty hospitals and mental health facilities, subject to Section 5.16.
17. Golf courses, subject to Section 5.20.
18. Governmental and municipal buildings and structures
19. Kennel, Commercial, subject to Section 5.23.
20. Landfills.
20. Plant nurseries and retail greenhouses.
21. Public or private colleges, business schools, universities, vocational and trade schools, subject to Section 5.14.
22. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
23. Public or private country clubs with or without swimming pools and accessory structures, hunting lodges, forest preserves, game refuges, recreation clubs, parks and play grounds.

24. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.
25. Public or private elementary, middle, and secondary schools.
26. Riding stables, commercial, subject to Section 5.28.
27. Roadside produce stands and markets, subject to Section 5.30.
28. Single-family dwellings, detached.
29. Seasonal farm labor housing.
30. Solid waste transfer facility.
31. Veterinary hospitals or clinics, subject to Section 5.34.
32. Wireless Communication Facilities, subject to Section 5.35.

See Section 4.4.9 Schedule of Area, Height and Placement Regulations.

#### **4.4.3 A2, Agricultural District**

##### **Purpose**

The purpose of the A2, Agricultural District is to protect the essential character of agricultural areas within the Township and to insure conservation of conditions conducive to agricultural activities. This district is designed so as to not prevent suburban development, yet at the same time is designed to preclude premature, unwarranted development encroaching upon legitimate agricultural lands.

##### **A. Uses Permitted by Right in the A2 District**

1. All uses permitted under Section 4.4.2. A.
2. Mobile Home Park, subject to Section 6.13.

##### **B. Special Land Uses in the A2 District**

The following uses of land, buildings, or structures are permitted in this District subject to obtaining a special land use permit as provided in Article 7, Special Use Procedures.

1. All uses permitted under Section 4.4.2. B.
2. Campgrounds and travel trailer parks, subject to Section 5.11.
3. Mobile Home Subdivision.
4. Waste transfer facility.

See Section 4.4.9 Schedule of Area, Height and Placement Regulations.

#### **4.4.4 R1, Low Density Residential District**

##### **Purpose**

The purpose of the R1, Low Density Residential District is to provide areas for residential development on lots of sufficient size to accommodate a safe on-site water supply and waste water disposal. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, in order to promote and encourage suitable environments for low density residential development.

##### **A. Uses Permitted by Right in the R1 District**

1. Adult Family Day-Care Homes, subject to Section 5.2.
2. Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six (6) or fewer adults), subject to Section 5.3.
3. Child Group Day-Care Homes, subject to Section 5.2.
4. Child Foster Family Group Homes, subject to Section 5.3.
5. Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 6.7.
6. Governmental and municipal buildings and structures.
7. Signs, only in accordance with the regulations specified in Article 14, Signs.

8. Single-family dwellings, detached.
10. Accessory uses or buildings, subject to Section 6.2.

## **B. Special Land Uses in the R1 District**

The following uses of land, buildings, or structures are permitted in this District subject to obtaining a special land use permit as provided in Article 7, Special Use Procedures.

1. Adult Group Day-Care Homes, subject to Section 5.2.
2. Adult Day-Care Centers, subject to Section 5.2.
3. Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.3.
4. Bed and Breakfast, subject to Section 5.10.
5. Cemeteries, subject to Section 5.12.
6. Child Group Day Care Homes, subject to Section 5.2.
7. Child Day Care Centers, subject to Section 5.2.
8. Child Foster Family Group Homes, subject to Section 5.3.
9. Churches, synagogues, mosques, or other buildings used for public worship, subject to Section 5.13.
10. Home occupations, subject to Section 6.10.
11. General and specialty hospitals, subject to Section 5.16.
12. Golf courses, subject to Section 5.20.
13. Governmental/community buildings.
14. Kennel, private, subject to Section 5.24.
15. Library, museum (non-commercial).
16. Public or private colleges, business schools, universities, vocational and trade schools, subject to Section 5.14.

17. Public or private elementary, middle, and secondary schools.
18. Public or private parks and playgrounds, country clubs with or without swimming pools and accessory structures, recreation clubs and similar uses.
19. Residential Cluster Development (CD Option), subject to Section 5.29.
20. Temporary construction/sales trailer or building.

See Section 4.4.9 Schedule of Area, Height and Placement Regulations.

#### **4.4.5 R2, Moderate Density Residential District**

##### **Purpose**

The purpose of the R2, Moderate Density is to provide for stable residential environments with open space. This district permits flexibility of lot size and housing types, single-family, two-family and limited multiple family uses are permitted.

##### **A. Uses Permitted by Right in the R2 District**

1. Adult Family Day-Care Homes, subject to Section 5.2.
2. Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six (6) or fewer adults), subject to Section 5.3.
3. Child Group Day-Care Homes, subject to Section 5.2.
4. Child Foster Family Homes, subject to Section 5.3.
5. Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 6.7.
6. Governmental and municipal buildings and structures.
7. Multiple family dwellings.
8. Signs, only in accordance with the regulations specified in Article 14.
9. Single-family dwelling, detached.
10. Two-family dwelling, attached.

11. Accessory uses or buildings, subject to Section 6.2.

## **B. Special Land Uses in the R2 District**

The following uses of land, buildings, or structures are permitted in this District subject to obtaining a special land use permit as provided in Article 7, Special Use Procedures.

1. Adult Group Day-Care Homes, subject to Section 5.2.
2. Adult Day-Care Centers, subject to Section 5.2.
3. Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.3.
4. Bed and Breakfast, subject to Section 5.10.
5. Cemeteries, subject to Section 5.12.
6. Child Group Day Care Homes, subject to Section 5.2.
7. Child Day Care Centers, subject to Section 5.2.
8. Child Foster Family Group Homes, subject to Section 5.3.
9. Churches, synagogues, mosques, or other buildings used for public worship, subject to Section 5.13.
10. Governmental and municipal buildings and structures.
11. Convalescent centers, nursing homes and housing for the elderly, subject to Section 5.16.
12. Home occupations, subject to Section 6.10.
13. Golf courses, subject to Section 5.20.
14. Public or private elementary, middle, and secondary schools.
15. Public or private parks and playgrounds, country clubs with or without swimming pools and accessory structures, recreation clubs and similar uses.
16. Temporary construction/sales trailer or building.

See Section 4.4.9 Schedule of Area, Height and Placement Regulations.

#### **4.4.6 NC, Neighborhood Commercial District**

##### **Purpose**

The purpose of the NC, Neighborhood Commercial District is to provide for convenience retail and personal service establishments which cater to the day-to-day need of the Township's residents. It is the further intent of this district to encourage neighborhood commercial uses near and adjoining existing commercial uses in the Township or at locations providing easy access to concentrations of nearby residential development.

##### **A. Uses Permitted by Right in the NC District**

1. Dry cleaners (coin operated or distribution station) and dry cleaning/laundry outlet
2. Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 6.7.
3. Funeral homes and mortuaries, subject to Section 5.18.
4. Health and fitness clubs.
5. Libraries and museums.
6. Convalescent centers, nursing homes and housing for the elderly, subject to Section 5.16.
7. Personal services, including but not limited to, barber and beauty shops, medical and dental clinics, music and dance studios, financial institutions and professional services, watch, small appliance, shoe, and television repair shops, tailor and seamstress shops, upholstery shops.
8. Restaurants, carry-out or sit down (No drive-through).
9. Retail sales, including but limited to, antiques, automobile parts, baked goods, books, candy, clothing, delicatessen products, dairy products, drugs (with or without pharmacy), food, florist, furniture, gifts, groceries, household goods, hardware, magazines and newspapers, party store items

(including package liquor), meats, notions, hardware, tire stores and other similar commodities.

10. Signs, only in accordance with the regulations specified in Article 14, Signs.
11. Accessory uses or buildings, subject to Section 6.2.

## **B. Special Land Uses in the NC District**

The following uses of land, buildings, or structures are permitted in this District subject to obtaining a special land use permit as provided in Article 7, Special Use Procedures.

1. All drive-in or drive through facilities, subject to Section 5.6.
2. Automobile dealerships, new and used, subject to Section 5.8.
3. Automobile filling stations, repair garages, quick lube/oil change operations and service stations (no bump or body shops), subject to Section 5.8.
4. Automobile washes or car wash establishments, subject to Section 5.9.
5. Bars, lounges and night clubs.
6. Commercial greenhouses or plant nurseries.
7. Commercial recreational facilities, indoor or outdoor.
8. Construction and Farm equipment sales.
9. Kennels, commercial, subject to Sections 5.23.
10. Motels and hotels, subject to Section 5.26.
11. Planned Neighborhood Shopping Centers.
12. Recycling station.
13. Self storage facilities, subject to Section 5.31.
14. Solid waste transfer station.
15. Temporary construction/sales trailer or building.
16. Theatres, when fully enclosed.

17. Transient and temporary amusements, subject to Section 5.33.
18. Veterinary hospital, clinic, subject to Section 5.34.
19. Warehouse, lease storage.
20. Wireless Communication Facilities, subject to Section 5.35.

See Section 4.4.9 Schedule of Area, Height and Placement Regulations.

#### **4.4.7 LI, Light Industrial District**

##### **Purpose**

The purpose of the LI, Light Industrial District is to provide areas of the Township whose principal use ought to be light industrial uses. Light industrial uses generate minimal levels of noise, glare, odor, dust, vibration, and air or water pollutants. This district has been located to minimize unwarranted intrusion on other land uses, to minimize traffic congestion and protect the health, safety and welfare and the natural environment.

##### **A. Uses Permitted by Right in the LI District**

1. Business research, development and testing laboratories and offices.
2. Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
3. Industrial park, subject to Section 5.22.
4. Industrial research, development and testing laboratories and offices.
5. Manufacturing, compounding, processing, packaging or treatment of the following uses , excluding baling or compacting and shipping of discarded or scrap material, when conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:

Including but limited to the following:

- a. Electrical appliances, electronic instruments and devices.

- b. Food, cosmetics, pharmaceuticals, toiletries, hardware and cutlery.
  - c. Jewelry, silverware and plated ware, metal or rubber stamps, or other small molded products, musical instruments and parts, toys, amusement, sporting and athletic goods, office and artists materials, notions, signs and advertising displays.
  - d. Office, computing and accounting machines.
  - e. Previously prepared materials such as bone, canvas, cellophane, ceramic, clay, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood, (excluding saw and planing mills), and yarns.
  - f. Professional, scientific and controlling instruments, photographic and optical goods.
- 7. Printing, publishing and allied industries.
  - 8. Research, development and testing laboratories and offices.
  - 9. Signs, only in accordance with the regulations specified in Article 14, Signs.
  - 10. Temporary construction/sales trailer or building.
  - 11. Wholesale, warehousing and material distribution facilities, if conducted entirely within an enclosed building.
  - 12. Accessory uses or buildings, subject to Section 6.2.

## **B. Special Land Uses in the LI District**

The following uses of land, buildings, or structures are permitted in this District subject to obtaining a special land use permit as provided in Article 7, Special Use Procedures.

1. Adult regulated uses, subject to Section 5.4.
2. Airports, airstrips, helicopters and other vertical landing take off craft landing ports and aircraft landing fields, subject to Section 5.5.
3. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumers at retail.
4. Commercial outdoor storage, subject to Section 5.32.
5. Commercial and recreational vehicle storage subject to Section 5.15.
6. Contractor's office, and equipment/materials and storage, provided all exterior storage areas shall be enclosed by six (6) foot high opaque wall, fence, earth berm or landscaping, subject to Section 5.19.
7. Construction and farm equipment sales.
8. Major vehicle repair shops and overhauling facilities, vehicle bump and paint shops and the like.
9. Manufacturing, compounding, processing, packaging or treatment of the following uses:
  - a. Asphalt, concrete, construction or petroleum products defined as hazardous by the State Fire Marshall.
  - b. Electric or neon signs.
  - c. Fabricated metal products, excepting heavy machinery and transportation equipment.
  - d. Furniture and fixtures.
  - e. Monuments, cut stone, stone cutting and stone products.
10. Metal fabrication, and tool and die shops.
11. Open air businesses, subject to Section 5.27.

12. Open storage of building materials, sand, gravel, stone, lumber, and open storage of contractor's equipment and supplies, general building and landscape contractor's offices and yard, subject to Section 5.19.
13. Public or private waste or water treatment facilities.
14. Radio, television, telephone, transmitter towers.
15. Self-storage facilities, subject to Section 5.31.
16. Tennis houses, ice arenas, soccer complexes and other similar uses involving large structures of the type than can be easily converted to industrial usage.
17. Trucking and transit terminals.
18. Warehousing and materials distribution centers.
19. Wholesale of goods and materials.
20. Wireless Communication Facilities, subject to Section 5.35.
21. Junk yard, automotive wrecking yard, and scrap yard, subject to Section 5.36.

See Section 4.4.9 Schedule of Area, Height and Placement Regulations.

#### **4.4.8 PUD, Planned Unit Development**

##### **Purpose**

This district is established to provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its unique character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township; and bring about a greater compatibility of design with land use.

##### **A. Uses Permitted by Right in the PUD District**

1. All uses permitted in any other zoning district, subject to Article 8, Planned Unit Development.

2. Customary accessory uses, subject to Section 6.2.

## **B. Special Land Uses in the PUD District**

The following uses of land, buildings, or structures are permitted in this District subject to obtaining a special land use permit as provided in Article 7, Special Use Procedures.

1. Any special uses to be determined in negotiations between the developer and the Township Board.

### Section 4.4.9 Schedule of Area, Height and Placement Regulations

|                                             | Minimum Lot Size                                                    | Minimum Lot Width | Minimum Setbacks |                                              |            | Maximum Height of Buildings/ Structures | Maximum Ground Floor Coverage |
|---------------------------------------------|---------------------------------------------------------------------|-------------------|------------------|----------------------------------------------|------------|-----------------------------------------|-------------------------------|
|                                             |                                                                     |                   | Front (F)        | Side                                         | Rear       |                                         |                               |
| <b>RC, Recreation/ Conservation (C)</b>     | 1 acre (B)                                                          | 165 ft.           | 35 ft.           | Each: 10% of lot width.                      | 30 ft.     | (A)<br>35 ft / 2 ½ stories              | 10%                           |
| <b>A1, Agricultural Business (C)</b>        | 1 acre (B)                                                          | 165 ft.           | 50 ft.           | Each: 10% of lot width.                      | 50 ft.     | (A)<br>35 ft / 2 ½ stories              | 10%                           |
| <b>A2, Agricultural (C) (E)</b>             | 1 acre (B)                                                          | 165 ft.           | 40 ft.           | Each: 10% of lot width.                      | 40 ft.     | (A)<br>35 ft / 2 ½ stories              | 15%                           |
| <b>R1, Low Density Residential (C)</b>      | 1 acre (B)                                                          | 165 ft.           | 30 ft.           | Each: 10% of lot width.                      | 25 ft.     | 35 ft. / 2 ½ stories                    | 10%                           |
| <b>R2, Moderate Density Residential (C)</b> | Single-family: 20,000 sq. ft. (B)<br>Two-Family: 40,000 sq. ft. (B) | 165 ft.           | 30 ft.           | Each: 10% of lot width.                      | 25 ft.     | 35 ft. / 2 ½ stories                    | 15%                           |
|                                             | Multiple Family: 3 acres. (B)                                       | 165 ft.           | 50 ft. (D)       | One side: 20 ft.<br>Total of Two: 45 ft. (D) | 50 ft. (D) | 45 ft. / 3.0 stories                    | 40%                           |
| <b>MHP (C)</b>                              | <b>See Section 6.13</b>                                             |                   |                  |                                              |            |                                         |                               |
| <b>NC, Neighborhood Commercial (C)</b>      | 1 acre                                                              | 150 ft.           | 40 ft.           | Each: 20 ft.                                 | 40 ft.     | 2 stories                               | -                             |
| <b>LI, Light Industrial (C)</b>             | 1 acre<br>(See Section 5.22 for Industrial Parks)                   | 150ft.            | 50 ft.           | Each: 50 ft.                                 | 50 ft.     | 45 ft.                                  | -                             |

Note: Possible additional requirements from Road Commission, County Health Department or other agencies may be required.

## **Notes**

- A. Agricultural accessory structures are exempt from height restrictions.
- B. See Section 6.12, Minimum Dwelling Unit Floor Area.
- C. For accessory uses see Section 6.2.
- D. In no case shall the minimum required setback be less than the height of the building.
- E. Mobile Home Park regulations are contained in Section 6.13.
- F. All corner lots have two (2) front setbacks. See definition of Front lot line in Article 2, Definitions.



## **Article 5**

### **Special Provisions**

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#### **Section 5.1          Intent**

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located. This article provides standards for both permitted and special uses which must be adhered to in addition to other standards of this ordinance.

#### **Section 5.2          Adult and Child Day-Care Facilities**

- A. Family day-care homes serving six (6) or fewer adults or children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.
- B. **Adult Group Day-Care Home** with greater than six (6) adults is subject to the following:
  - 1. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact of law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
  - 2. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
  - 3. Appropriate license with the State of Michigan shall be maintained.

C. **Adult Day-Care Centers** are subject to the following conditions:

1. The property is maintained in a manner that is consistent with the character of the neighborhood.
2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
3. Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.

D. **Child Group Day-Care Homes** with greater than six (6) children are subject to the following:

1. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
2. There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. This requirement may be waived by the Township Board if a public play area is within five hundred (500) feet of the subject parcel.
3. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
4. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
5. Appropriate licenses with the State of Michigan shall be maintained.
6. The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.

**E. Child Day-Care Centers** are subject to the following conditions:

1. The property is maintained in a manner that is consistent with the character of the area.
2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
3. There shall be an on-site outdoor play area of the greater of one thousand five hundred (1,500) square feet or seventy-five (75) square feet for each child. This requirement may be waived by the Township Board if a public play area is available within five hundred (500) feet from the subject parcel.
4. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
5. For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following: hallways, storage areas and cloakrooms, kitchens and reception and office areas.
6. Appropriate licenses with the State of Michigan shall be maintained.

**Section 5.3 Adult and Child Foster Care Facilities**

It is the intent of Section 5.3 to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

**A. Adult Foster Care Facilities**

1. Application of Regulations.
  - a. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
  - b. The Township may, by issuance of a special land use permit, authorize the establishment of adult foster care small group

homes serving more than six (6) persons and adult foster care large group homes.

- c. The Township may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility.

- 2. **Adult Foster Care Small Group Homes** serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Article 7, Special Use Procedures and the following additional standards:

- a. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or care givers.
- b. The property is maintained in a manner that is consistent with the character of the neighborhood.
- c. Appropriate licenses with the State of Michigan shall be maintained.

- 3. **Adult Foster Care Congregate Facilities** shall be considered as a special land use subject to the requirements and standards of Article 7, Special Use Procedures and the following standards:

- a. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
- b. Appropriate licenses with the State of Michigan shall be maintained.

## B. **Child Foster Care Facilities**

- 1. **Foster Family Homes** serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other

requirements provided in accordance with the applicable State standards.

2. **Foster Family Group Homes** serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Article 7, Special Use Procedures and the following standards:
  - a. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
  - b. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Township Board if a public play area is available within five hundred (500) feet from the subject parcel.
  - c. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
  - d. Appropriate licenses with the State of Michigan shall be maintained.

## **Section 5.4      Adult Regulated Uses**

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operation characteristics, particularly when several of them are concentrated near to a residential zone, thereby having negative effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

- A. Uses subject to these controls are as follows:

1. Adult Book and Supply Store
  2. Adult Cabaret
  3. Adult Live Stage Performing Theater
  4. Adult Motion Picture Theater
  5. Adult Physical Culture Establishment
  6. Body Piercing Establishment not under the authority of a licensed establishment.
  7. Burlesque Show
  8. Escort Agency
  9. Massage Parlor not under the authority of a licensed establishment.
  10. Nude Modeling Studio not under the authority of a licensed establishment.
  11. Tattoo Parlor not under the authority of a licensed establishment.
- B. Any Building shall be setback eighty (80) feet from an existing or proposed right-of-way.
- C. Ingress and egress points shall be located at least one hundred twenty (120) feet from the intersection of any two (2) streets measured from the road right-of-way lines.
- D. A five (5) foot high completely obscuring masonry wall compatible with the surrounding area shall be provided where abutting districts are zoned residential.
- E. Approval of any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission at a public hearing, as required in Article 7, Special Use Procedures, that the following conditions exist:
1. If the use is a use that is listed above in this Section, it shall be located in the LI, Light Industrial District.
  2. The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:

- a. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
- b. That the establishment of a regulated use, or and additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
- c. That all applicable state laws and local ordinances will be observed.

**Limit on Re-Application** No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

## **Section 5.5      Airports, Airstrips, and Heliports**

- A. Satisfy all requirements of the Federal Aviation Administration (F.A.A.) and the Michigan Department of Transportation's Airport Division.
- B. The plans for such facility shall be submitted to the Federal Aviation Administration (FAA) if applicable (the FAA does not regulate private airstrips), prior to submittal to the Planning Commission for their review and action.
- C. The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the F.A.A.
- D. The area of the "clear zone" (FAA definition) shall be provided for within the land area under airstrip ownership, and in no instance shall the "clear zone" be above property zoned for single-family residential use.

## **Section 5.6      All Drive Through Facilities**

All drive through windows for facilities such as restaurants, banks, etc. are restricted to the side or rear elevations of all structures that provide drive through services. The following shall also apply:

- A. A setback of at least sixty (60) feet shall be maintained from an existing or proposed right-of-way.
- B. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets measured from the road right-of-way lines.
- C. A six (6) foot high completely obscuring wall, fence, berm, landscaping, or combination thereof, compatible with the surrounding area shall be provided where abutting districts are in residential use, zoned residential or permit residential dwellings. (See Section 12.2 Landscaping, Greenbelts, Buffering and Screening).

### **Section 5.7            Animal Rescues or Shelters (Also see Commercial Kennel, Section 5.23)**

All animal rescues or shelters (also known as kennels) shall conform to the Michigan Department of Agriculture, Animal Industry Division, and Regulation Number 151, Pet Shops, Dog Pounds, and Animal Shelters. (By authority conferred on the director of agriculture by Section 2 of Act No. 287 of the Public Acts of 1969, being S287.332 of the Michigan Compiled Laws). All such uses shall also comply with the following:

- A. The minimum lot area shall be five (5) acres.
- B. All regulations under Section 5.23, Kennels, Commercial, shall apply.
- C. The owners of such uses shall be subject to an annual inspection by Ingham County Animal Control.

### **Section 5.8            Automobile Filling Stations, Repair Garages, Service Stations and Dealerships**

Automobile filling stations, repair garages, service stations, and dealerships shall comply with the following conditions:

- A. The curb cuts for ingress to and egress from a filling or service station, repair garage, or automobile dealership are not permitted at such locations as will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than thirty (30) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than ten (10) feet to

any corner or exterior lot line. No driveway shall be located nearer than thirty (30) feet to any other driveway serving the site.

- B. The minimum lot area shall be one (1) acre, so arranged that ample space is available for motor vehicles which are required to wait.
- C. The minimum dimension of any lot line adjacent to a public right-of-way shall be one hundred and fifty (150) feet.
- D. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- E. All activities related to service and repair shall be entirely enclosed within a building located not less than forty (40) feet from any street lot line, and not less than twenty (20) feet from any side lot line.
- F. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- G. Inoperative or unlicensed vehicles shall not be stored outside for more than seven (7) days. Such storage shall not occur in front of the front building line.
- H. Gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.
- I. A filling or service station shall have no more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) gasoline pumps and/or one (1) enclosed stall may be included for each additional two thousand (2,000) square feet of lot area above the minimum area set forth in subsection (B).
- J. Where the filling or service station site abuts any residentially zoned district, the requirements for protective screening shall be provided as specified in Section 12.2, Landscaping, Greenbelts, Buffering and Screening. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- K. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.

- L. All combustible waste and rubbish, including crankcase drainings, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease or gasoline.
- M. No advertising signs may be placed on-site other than those permitted in Article 14, Signs.
- N. A convenience store or restaurant, with or without a drive-through (See Section 5.6, All Drive Through Facilities) may be located within the service station providing it complies with the provisions for an accessory use. See Section 6.2 for Accessory Uses.

## **Section 5.9            Automobile Washes or Car Wash Establishments**

### **A.        Coin-operated/Self-Service Establishments**

- 1. All buildings shall have a front yard setback of not less than fifty (50) feet.
- 2. Vacuuming and drying areas may be located outside the building, but shall not be closer than thirty (30) feet to any residential district.
- 3. All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
- 4. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- 5. A six (6) foot completely obscuring masonry wall shall be provided where abutting a residential district.

### **B.        Full Service Establishments**

- 1. All buildings shall have a front yard setback of not less than sixty (60) feet.
- 2. All washing facilities shall be within a completely enclosed building.
- 3. Vacuuming and drying areas may be located outside the building but shall not be closer than thirty (30) feet to any residential district.
- 4. All cars required to wait for access to the facilities shall be provided space off the street right-of-way.

5. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
6. A six (6) foot completely obscuring masonry wall shall be provided where abutting a residential district.

#### **Section 5.10      Bed and Breakfast Accommodations**

- A. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- B. One (1) off street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety. Parking shall be screened and buffered in accordance with Section 12.2, Landscaping, Greenbelts, Buffering and Screening.
- C. All County Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the County Health Department that on-site disposal facilities are adequate. All state and county regulations will be maintained and adhered to.

#### **Section 5.11      Campgrounds and Travel Trailer Parks**

- A. Each specific camp site shall be identified by a number, and graded so that surface water will run off and not pond and shall be of sufficient size to allow for the parking of a recreational vehicle or recreational trailer and motor vehicle used for towing, with a separate space for picnic table and privacy between sites. Sites may be pull-through type or back-in type with space for motor vehicle located in front or at the side of the recreational vehicle.

#### **Section 5.12      Cemeteries**

- A. Any building in connection with a cemetery and its premises shall be designed, constructed and landscaped according to a comprehensive and approved landscape plan.
- B. Parking shall be provided in accordance with Article 13, Off-Street Parking and Loading.

### **Section 5.13 Churches and Houses of Worship**

- A. Parking shall be provided in accordance with Article 13, Off-street Parking and Loading.

### **Section 5.14 Colleges, Universities, Business Schools, and Technical Training Institutions, Vocational School, Trade Schools**

All Colleges, Universities, Business Schools, and Technical Training Institutions, Vocational Schools, Trade Schools and other such institutions of higher learning, or specialized training, public and private, offering courses in general, technical or religious education are all subject to state and county regulations.

### **Section 5.15 Commercial and Recreational Vehicles Storage Facilities**

- A. The storage area shall be enclosed with a six (6) foot chain link fence.
- B. The storage area shall be enclosed with additional screening as outlined in Section 12.2, Landscaping, Greenbelts, Buffering and Screening, when adjacent to a residential district or property used or zoned for residential purposes.
- C. All stored vehicles shall be licensed annually and kept in running and roadworthy condition.
- D. Recreational vehicles and equipment, parked or stored, shall not have fixed connections to electrical, water, gas or sanitary facilities, and shall at no time be used for living or housekeeping purposes.

### **Section 5.16 Convalescent Centers, Nursing Homes and Hospitals (General and Specialty Hospitals and Mental Health Facilities)**

- A. Must be licensed and meet all County, State and Federal codes and requirements.

## **Section 5.17      Extracting, Removing, Filling, Depositing and Dumping Operations**

**Intent and Purpose** It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction, removing, filling, depositing and dumping of minerals in locations where they have been naturally deposited, and to insure that activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public or private services and facilities affected by the land use, and, to insure that activities are consistent with the public health, safety and welfare of the Township.

A.    **Use Restriction** Extraction, removal, filling, depositing and dumping operations may be considered as a special land use in the A1 and A2 Districts. These operations in the Township shall be prohibited unless first authorized by the granting of a special land use permit by the Township Board and in accordance with this section and Article 7, Special Land Use Procedures. The following conditions shall apply to all such operations:

1.    No hydraulic dredging.
2.    Containment of soil and windblown fines.
3.    No topsoil is to leave the site without an engineer's report determining the amount of topsoil on the site and the amount needed for reclamation.
4.    Allow access to the entire property for inspection of the operations on a yearly basis.
5.    Allow inspection by any Township representative within twenty-four (24) hours notice to determine the validity of any complaint.
6.    No surface watercourse may be constructed or used without the permission of the Township as part of the operation without a report from the Township's Engineering Consultant demonstrating that there will be no offsite impacts.
7.    The Township's Engineering Consultant shall recommend a bond amount for the reclamation of the site.
8.    Provide a detailed plan and a timetable for the reclamation/restoration of the site.
9.    File a site plan per the requirements of Article 9, Site Plan Review.

10. Operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Administrator. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. (Source: United States Code, Title 5, Section 6103).
11. Provide a letter to the Township with specific date for the start and completion of the operations once mining operations have commenced.
12. No stock piling of materials brought to the site.
13. There shall not be more than one (1) entrance way from a paved public road, to said lot for each six hundred sixty (660) feet of front lot line. Said entrance shall be located not less than five hundred (500) feet from an intersection of two (2) or more public roads.
14. Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
15. 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 the nuisance caused by windborne dust on adjoining lots and public roads.
16. Each operator shall be held responsible for all public roads, upon which trucks haul materials from the quarries, to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of mining or quarrying operations; and to keep the roads dust free and to clean up any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by trucks or other equipment.
17. Any noise, odors, smoke, fumes, or dust generated on said lot by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
18. Such activities shall not be conducted as to cause the pollution by any material of any surface or sub-surface watercourse or water

body outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.

19. Such activities shall not be conducted as to cause or threaten to cause the erosion by water of any land outside the lot or of any land on the lot so that earth materials are carried outside of the lines of the lot. Such activities shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such activities shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
20. All fixed equipment and machinery shall be located at least one hundred sixty (160) feet from any lot line and five hundred (500) feet from any zoning district that permits residential dwellings or that is currently used in a residential manner. In the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification 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 sixty (160) feet from any lot line adjacent to the residential district. A fence of not less than six (6) feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.
21. All areas within a quarry shall be rehabilitated progressively as they are worked out, so as to be non-hazardous. Further these areas shall be inconspicuously blended with the general surrounding ground form, so as to appear natural.
22. The applicant shall submit a plan for the use of the property during extracting, removing, filling, depositing and dumping operations at the time of application for the permit. The Planning Commission shall review and the Township Board may then approve the plan. The plan shall provide the following information:
  - a. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
  - b. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;

- c. Existing site improvements including, but not limited to buildings, drives, well, and drain fields;
  - d. Existing topography at contour intervals of five (5) feet;
  - e. Extent of future operations thereof;
  - f. Location and nature of structures and stationary equipment to be located on the site during such operations;
  - g. Location and description of soil types;
  - h. An estimate of the kind and amount of material to be withdrawn from or added to the site and the expected termination date of such operations;
  - i. Description of all operations to be conducted on the premises, including, but not limited to, digging, sorting and washing operations, and the type, size and nature of equipment to be used with each operation;
  - j. Location and width of drives, sight distances; lane widening on public roads at intersections of same with drives;
  - k. Tree areas and other natural features to be retained;
  - l. Description of pollution and erosion control measures;
  - m. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site; and
  - n. Map showing truck routes to and from the site.
23. The applicant shall file a plan for restoring the site to a safe, attractive and usable condition. The plan shall be filed at the time of application for the special land use permit. The Planning Commission shall review and the Township Board may then approve the plan. The restoration plan shall provide the following information:
- a. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
  - b. Location and extent of all natural features to be retained during such operations;

- c. Contour lines at intervals of five (5) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines;
  - d. Schedule and areas of progressive rehabilitation;
  - e. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
  - f. Sketch plan of the proposed use of the site when restored; and
  - g. Description of methods and materials to be used in restoring the site.
24. The applicant shall provide a security deposit in the name of the Township, in the form and amount acceptable to the Township Board, to guarantee restoration of the site and certification of conformance by the Township Engineer.
25. The applicant shall provide a security deposit when required by the Township Board, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the County Road Commission in the form and amount required.
26. The Township Board shall not approve a special land use permit for any such operation until the Board has received the plans required in this Section, and until the required security deposit has been provided.
27. The applicant shall provide a date for completing the operation, such date to be based upon the estimated volume of material to be extracted and/or added and an average annual extraction/filling rate. The special use permit shall expire on that date. Any extension of operations beyond that date shall require a new special land use permit, which shall be applied for and processed as provided in this Ordinance.
28. Travel routes for trucks entering and leaving the mining area, quarry or pit shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalents shall not pass through residential areas.

29. Only equipment owned or leased by the operator and used in the operations of the facility shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.
30. Potable water supply and sanitary sewage disposal systems shall be approved by the County Health Department before a special use permit is issued.
31. Concrete, cement or asphalt production shall not be allowed as part of the operations but may be allowed with a special land use permit.
32. The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

B. **Exemption** Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this Section. The following are examples of such exemptions:

1. For the re-grading, moving, or leveling of earth or rock materials by a property owner solely upon his/her property. If more than one (1) acre of land is disturbed, a soil erosion permit may be required from the County Drain Commissioner's Office.
2. The filling of land where it is low or is in need of fill to make the land buildable as long as the fill used does not contain any refuse and is in an area of less than two (2) acres in size and as long as it does not affect the drainage of adjoining properties.
3. For the excavation and removal of soil from an industrial and/or commercial site if the soil to be removed is the result of construction of a building, structure, or facility for which a Site Plan and Building Permit has been approved by the Township.
4. For the installation of public utilities or public roads.

C. **Application** An application shall be filed with the Zoning Administrator and shall include the following:

1. Site plan prepared in accordance with Article 9, Site Plan Review.

2. Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time when the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:
  - a. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
  - b. All contiguous land, which is or has been used by the owner or leasehold applicant for mineral extraction and processing and storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
  - c. All lands within one-half (1/2) mile of the proposed mining area.
  - d. All private and public roads from which access to the property may be immediately gained.
  - e. Boundary of the entire planned extracting, filling, removing, filling, depositing and area by courses and distance.
  - f. Site topography and natural features including location of watercourses within the planned mining area.
  - g. Means of vehicular access to the proposed operation.
3. Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site.
4. Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
  - a. Property within a radius of one (1) mile around the site; and
  - b. The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks that will enter and leave the site.

- D. Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
1. Level of water table throughout the proposed mining areas;
  2. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
  3. All qualitative and quantitative aspects of surface water, ground water, and water shed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected;
  4. Opinion whether the exposure of subterranean waters and the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public, and
  5. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, and the anticipated noise and vibration levels.

E. **Review Procedure**

1. The Township Clerk shall retain the original application for the file, and forward the copies to the members of the Planning Commission, the Township Board, the Township's Engineering and Planning consultants, the County Road Commission and the County Drain Commissioner's Office for soil erosion control.
2. The Township Engineer and the Township Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator and Township Clerk shall retain the original of these reports for the file, and forward copies to the Planning Commission.
3. The Zoning Administrator and/or the Township Board or the Planning Commission shall request a report from the County Road Commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare.

4. After receiving all reports, including any additional reports of experts recommended by the Township Engineer and/or Planner, if deemed appropriate the Planning Commission and the Board shall consider the application in accordance with the procedures set forth in Article 7, Special Land Use Procedures. The Township Board has the final authority to grant special use permits.
5. Reasonable conditions may be required with the approval of the application for the special land use, to insure that public or private services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

F. **Requirements and Standards** The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the Planning Commission, and if the application is approved, the applicant shall maintain such standards and requirements as a condition to continued operation and use:

1. Demonstration by the applicant that the proposed special land use shall not result in a probable impairment, pollution, or destruction of the air, water, natural resources, and public trust therein.
2. Demonstration by the applicant that the proposed special land use shall not result in a probable impairment to the water table or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
3. Demonstration by the applicant that the proposed special land use shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.
4. Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.

5. The proposed special land use shall not unreasonably burden the capacity of public or private services and facilities.
6. The proposed special land use shall have immediate and direct access to a paved public road having a planned right-of-way not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
7. The proposed special land use shall not unreasonably impact upon surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
8. All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least two hundred sixty (260) feet from the center of the nearest street and two hundred (200) feet from the nearest property line and three hundred (300) feet from a zoning district which permits residential uses or land is in residential use.
9. The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted. Hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12:00 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Administrator. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United State Code, Title 5, and Section 6103.
10. Taking into consideration that the Township is conditionally authorizing this special land use in residential districts and areas used for residential purposes, and that this special land use, is to some extent, inharmonious with child rearing and other residentially-related activities, and as an attempt to create a balance of interests between the mineral mine user and the owners and/or the occupants of residential property, the maximum duration of the proposed special land use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.

11. The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels in a manner which meets the maximum requirements of this Ordinance.
  12. The total area (or areas) being mined, and which has (or have) not been reclaimed, shall at no time exceed the lesser of seventy-five (75) acres or forty (40%) percent of the entire parcel approved as a special land use.
  13. The activities of the proposed special land use shall not result in a demand for local services and/or facilities that are or become unavailable, including, without limitation, road and/or drainage facilities, maintenance and repair.
  14. The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined at the discretion of the Planning Commission at the time of application, and thereafter.
- G. **Reclamation** Reclamation of the site shall be in accordance with a reclamation plan approved by the Township Board as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal, and, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site, unless, following approval of the Township Board, the same are deemed consistent with the zoning district in which the site is situated. The Township Board shall have the right to impose performance guarantees to insure that the reclamation and restoration plans as submitted are implemented.

**Section 5.18      General,      Building      and      Landscape      Contractor's  
Headquarters/Offices and Yards**

- A. A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only

products, materials and equipment owned and operated by the principal use shall be permitted for storage. The storage area surface shall be constructed of six (6) inches of well compacted sub-grade with gravel or paved finish surface.

- B. Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading/unloading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.
- C. Open storage of building materials, sand, gravel, stone, lumber, open storage of construction contractor's equipment and supplies, provided such are enclosed within an obscuring wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare. Storage shall be screened from the view of a public street and adjacent properties in accordance with the requirements of Section 12.2, Landscaping, Greenbelts, Buffering and Screening.
- D. The location and size of areas for storage, the nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under Article 9, Site Plan Review.
- E. The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

## **Section 5.19      Golf Courses, Country Clubs, etc**

Golf courses and country clubs, including accessory uses such as: clubhouses, driving ranges, pro shops, maintenance buildings, tennis courts, swimming pools, restaurants, caretaker residence, and other similar facilities, shall be subject to the following conditions:

- A. The location of structures, such as the club house and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially zoned or used property.
- B. All storage, service and maintenance areas when visible from adjoining residentially zoned land or land presently used for residential purposes shall be screened from view according to Section 12.2, Landscaping, Greenbelts, Buffering and Screening.

- C. All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land currently zoned or used for residential purposes.
- D. The caretaker's residence must meet the minimum requirements of the district that the golf course is located in.

## **Section 5.20 Intensive Livestock Operations**

Intensive livestock operations are permitted only in the A1 and A2 districts. New livestock production facilities must follow and be in conformance with all Generally Accepted Agricultural and Management Practices (GAAMPS) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities. Contact the Michigan Department of Agriculture (MDA), Right to Farm Program, Lansing Michigan. Provide the Township proof of MDA review and verification for conformance to appropriate GAAMPS for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

## **Section 5.21 Industrial Park Standards**

- A. The minimum parcel size for an Industrial Park as a whole shall be twenty (20) acres while the minimum lot size within an Industrial Park shall be one (1) acre.
- B. **Outside Storage**
  - 1. The outside storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on the site plan as approved by the Planning Commission.
  - 2. Outside storage shall be limited to the rear yard area.
  - 3. Outside storage areas shall be completely fenced with a chain link fence at least eight (8) feet high.
  - 4. Outside storage areas shall be screened from the view of all roadways. Screening shall be a wall, fence, berm, landscaping or combination thereof, meeting the requirements of Section 12.2, Landscaping, Greenbelts, Buffering and Screening.
- C. **Off-Street Parking**

1. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line.
  2. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission. See Section 12.2, Landscaping, Greenbelts, Buffering and Screening.
- D. **Internal Roadway** The internal roadway shall not be closer than one hundred (100) feet to an adjacent property line.
- E. **Loading and Unloading**
1. Loading and unloading areas shall be located in rear or side yards. Loading and unloading areas may be located in a front yard area only when the loading area is of a drive-through design as approved by the Planning Commission.
  2. Truck wells shall not be located in the front yard area.
- F. All activities and uses within the park shall conform to the performance standards outlined in Section 3.8, Performance Guarantee Required.

## **Section 5.22 Kennels (Commercial)**

Commercial kennels include any structure and/or any enclosed parcel of land used for the temporary or permanent boarding, breeding, training or care of four (4) or more dogs, cats or other domestic animals, (6) months of age or older, which are generally kept for sale or show, shall be subject to the following.

- A. A minimum lot area shall be provided of not less than two (2) acres, with a minimum lot width of not less than five hundred (500) feet.
- B. A kennel shall provide an area of not less than one-quarter (1/4) acre for each animal boarded and cared for as part of such kennel facilities, but shall not be less than A. above.
- C. All buildings, pens and runways, for housing or keeping of such animals, shall not be less than one hundred fifty (150) feet from any adjacent property line.

- D. Pens and runways shall be screened from view from the road, either by the building and/or in accordance with Section 12.2, Landscaping, Greenbelts, Buffering and Screening.
- E. All yard space used for pen areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than six (6) feet in height. Such fence shall be maintained in good condition.
- F. Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- G. Any permit, after being issued by the Township Board for such use, shall terminate immediately when the lot area requirements herein set forth are decreased in any manner.
- H. Barking, howling, whines or any other such noises that may disturb the quiet of the neighborhood after 10:00 p.m. or before 8:00 a.m. shall not be allowed. Further, the "continual" barking, howling, whining, crying or any other such noises that may disturb the quiet of the neighborhood between the hours of 8:00 a.m. and 10:00 p.m. shall not be allowed. "Continual" will be defined as a period of twenty (20) seconds or more on three or more occasions during any fifteen (15) minute period.
- I. Odor of any type emanating from said kennel that is noticeable at the property line shall not be allowed.

Also see Section 5.7, Animal Rescues or Shelters.

### **Section 5.23 Kennels (Private)**

Private kennels include any structure, cage and/or enclosed parcel of land used solely for the temporary or permanent boarding, breeding, training or care of three (3) or less dogs or cats or other domestic animals, six (6) months of age or older, for the purposes of show, hunting or as pets, and subject to the following:

- A. The lot or parcel shall be adequate in size to provide a distance of not less than one hundred and fifty (150) feet to any existing dwelling and twenty (20) feet to a side or rear lot line, from any cage or pen housing the animals.
- B. The boarding, breeding, training or care of such animals shall be incidental to the principal use of the premises and shall not be for purposes of remuneration or sale.

- C. Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- D. Up to three (3) dogs, cats or other domestic animals may be kept as a use permitted by right, while more than three (3) such animals requires special land use approval as per the procedures contained in Article 7.
- E. Barking, howling, whines, cries or any other such noise that may disturb the quiet of the neighborhood after 10:00 p.m. or before 8:00 a.m. shall not be allowed.
- F. Odor of any type emanation from said kennel that is noticeable at the property line shall not be allowed.

#### **Section 5.24 Livestock Auction Yards/Markets**

Those who wish to operate a livestock auction market must first obtain bonding and a livestock dealer/broker license from the Animal Industry Division, Michigan Department of Agriculture. The following must be provided:

- A. Copy/proof of required bonding.
- B. Copy of the livestock dealer/broker license.
- C. License must be kept current on a yearly basis.

#### **Section 5.25 Motels and Hotels** shall be licensed by the county and/or state.

#### **Section 5.26 Commercial Outdoor Display and Sales**

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

- 1. An outdoor display shall be considered as an accessory use to the principal use conducted on the premises.
- 2. The exterior of the premises shall be kept clean, orderly and maintained.
- 3. The Township shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of an outdoor display.

4. In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and to the Township Board for review and approval, where site conditions may create difficulty in adherence to the standards contained herein.
- B. Outdoor sales for automobiles, trucks, trailers, boats, mobile homes, and similar uses shall be subject to the following provisions.
1. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way. All regulations contained within Section 12.3, Exterior Lighting and Glare.
  2. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
- C. **Standards Within the NC District**
1. An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
  2. An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.
- D. **Building Materials, Nursery Stock, Garden Supplies and Other Similar Uses**
1. Outdoor sales areas shall not be located within the required front setback, except for sales of living nursery stock. Ornamental displays associated with the sale of nursery stock shall be permitted; however, in no case shall the outdoor storage or sale of bulk materials, such as topsoil, mulch or gravel, whether packaged or not, be permitted within the front yard setback.
  2. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 12.2, Landscaping, Greenbelts, Buffering and Screening.

## **Section 5.27      Riding Stables, Commercial and Private**

1. Commercial Riding Stables and/or Arenas A minimum lot area shall be provided of not less than ten (10) acres, with a minimum lot width of not less than five hundred (500) feet.

2. A riding stable shall provide a pasture area of not less than two (2) acres for each horse stabled and used as a part of such commercial stable use, and that such area meets the minimum requirements for the humane treatment of the animals kept, as per state and county codes and regulations.
3. All buildings, corrals, and runways for housing or keeping of such animals shall not be less than one hundred fifty (150) feet from any adjacent property line, provided, however, such yard space may be used for pasture in connection with a riding stable.
4. All yard space used for pasture or riding areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.
5. All commercial riding stables and/or riding arenas shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.
6. Any permit after being issued for such uses shall terminate immediately when any of the requirements herein set forth are decreased in any manner.

#### **B. Private Riding Stables**

1. A minimum lot area shall be provided of not less than five (5) acres, with a minimum lot width of not less than five hundred (500) feet.
2. A riding stable shall provide a pasture area of not less than one (1) acre for each horse stabled and that such area meets the minimum requirements for the humane treatment of the animals kept, as per state and county codes and regulations.
3. All buildings, corrals, and runways for housing or keeping of such animals shall not be less than one hundred fifty (150) feet from any adjacent property line, provided, however, such yard space may be used for pasture in connection with a riding stable.
4. All yard space used for pasture or riding areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition. Any permit after being issued for such uses

shall terminate immediately when any of above requirements herein set forth are decreased in any manner.

## **Section 5.28 Residential Cluster Development (CD Option)**

This provision is designed to be a designation applied to a parcel of land within the R1 District; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision/site condominium design under standard zoning district regulations.

- A. **Purpose** The cluster development provision has the following purposes:
1. To permit flexibility in the layout of subdivisions or site condominiums;
  2. To permit variety in the size and shape of residential lots;
  3. To permit flexibility in the location of residential buildings and grouping of same;
  4. To encourage creative approaches to the design and development of residential areas;
  5. To permit efficiency when providing the required improvements;
  6. To preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land; and
  7. To permit provision of open space for the use of residents of the subdivision/site condominium or to the township at large and to concentrate such open spaces in locations and of such size and shape as to be accessible, usable and maintainable.
- B. **General Regulations** Cluster developments are permitted in the R1 district, subject to all of the regulations of each district in which located, except as specifically modified in this Section.
- C. **Minimum Area** The minimum parcel area for a cluster development shall be forty (40) acres.
- D. **Density of Development** The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the

number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district involved. The number of dwelling units shall be calculated on the basis of the following dwelling unit densities; these densities assume a certain percentage of total area for roads.

| Zoning District                      | Density                                        |
|--------------------------------------|------------------------------------------------|
| R1, Low Density Residential District | .89 dwelling units per acre of total lot area. |

The land area used in the calculation shall include road rights-of-ways, existing and proposed, that are located within the proposed subdivision/site condominium, but shall not include any existing rights-of-way of any boundary roads of the subdivision or site condominium.

E. **Area, Placement and Height Regulations** The regulations for the R1 district, as provided in Section 4.4.9 Schedule of Area, Height and Placement Regulations may be modified as follows for single-family dwellings, mobile homes and their accessory structures only:

1. Minimum lot area – twenty-one thousand seven hundred and eighty (21,780) square feet (1/2 acre), subject to Section 5.29.G.
2. Minimum lot width – twenty-five (25) feet at the existing or proposed street line.
3. Maximum ground floor coverage – none.
4. Maximum floor area ratio - none.
5. Minimum yards:
  - a. Front yard, or frontage on any street or easement for ingress and egress, twenty-five (25) feet.
  - b. Side yards, none, except that adjacent dwelling structures shall be a minimum of ten (10) feet apart unless structurally attached.
  - c. Rear yard, fifteen (15) feet.

F. **Common Open Spaces and Facilities** For each square foot of excess land area resulting from the lot reductions provided in item E. preceding, the subdivision or site condominium shall provide an equal amount of land dedicated to the common use of the owners in the subdivision/site

condominium or to the public. The Township Board shall approve the manner of dedication. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.

These areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, suitability for the intended uses, and shape of the dedicated area shall be subject to approval by the Township Board. Such land areas shall not include as a part of the minimum acreage, bodies of water, wetlands, or areas of excessive grades that make the land unusable for recreation; however, the area may be in a flood plain. The land areas shall be graded and developed so as to have natural drainage, if such drainage does not exist in the unimproved condition. If the open space area is to consist of two (2) or more parcels, at least one (1) parcel shall have the minimum area of four (4) acres. The minimum dimension shall in all cases be one hundred (100) feet, and the location, size and shape of any parcel shall be subject to approval by the Township Board. A parcel divided by a drainage course, stream, or river shall be considered as one (1) parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision or site condominium for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways. Areas dedicated to the public shall have at least one (1) access point by a public street for each separate open space parcel. The Township Board shall have the discretion to require additional vehicular or pedestrian access points.

The developer or sub-divider shall dedicate all land areas to be used as common spaces in the subdivision or site condominium as provided herein at the time of filing for final plat or site plan approval for the first phase of the subdivision or site condominium. Each common open space shall have a legal description therefore, which shall include an accurate statement of land area, all of which shall be certified by a registered land surveyor.

- G. The County Health Department shall approve all cluster subdivisions, as proposed under this Section.
- H. **Procedures Without Zoning Amendment** The applicant(s) for approval of a preliminary plat or a site condominium, shall at the same time, apply for a Cluster Development designation (here after referred to as a CD designation) if such designation is desired. The application shall consist of a completed form, fees, and all information needed for the review of a preliminary plat submitted for tentative approval or in the case of a site condominium a preliminary site plan. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance and the site condominium as set forth in the Zoning Ordinance, and shall include its analysis and recommendations concerning the CD designation in its report to the Township Board on the preliminary plat or in the case of a site

condominium the site plan. The Supervisor shall record, and the Township Clerk shall attest, the CD designation on the Official Zoning Map within three (3) Township Hall working business days from the date of final approval of the final plat or the final site plan by the Township Board. The recording on the official zoning map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.

- I. **Procedures with Zoning Amendment** If the property included in the CD designation request must also be rezoned to the applicable residential district, the petition to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat or the site plan in the case of a site condominium. The application shall in this case include a waiver, signed by the applicant, that the time limit, if any, on the review of a preliminary plat for tentative approval may be extended to accommodate the time required to process the zoning amendment. The Township Board shall not give tentative approval to the preliminary plat until after it has approved the zoning amendment or the site plan. With this exception the procedures set forth in item H, proceeding, shall apply. For a site condominium, the site plan review process contained in Article 9, Site Plan Review, shall be followed.
- J. **Calculations** All calculations and other information needed to review conformance of the plat or the site plan with the zoning ordinance regulations shall be provided on the preliminary plat or in the case of a site condominium the site plan.

- K. **Authority** The Township Board shall have the authority to approve or deny a request for a CD designation. The Board shall also have the authority to require changes in the size and shape of lots; in lot and street layout, location, size, and shape of open areas and in other features of the design and character of a CD subdivision as proposed in a preliminary plat or the site plan for a site condominium. The Board may exercise this authority when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site and subdivision planning.
- L. **Improvements** or security in lieu thereof shall be provided as required in this Ordinance, or the Subdivision Control Ordinance, whichever may be applicable. Improvements of open space areas to be dedicated to the Township, or security in lieu thereof, should be provided by the developer prior to approval of the final plat or the site plan by the Township Board for the first stage of the subdivision. The Township shall not accept any such dedications that will require substantial upkeep or maintenance expenses. The developer and Township Board shall make an agreement as to the required improvements for such open space areas prior to the Board's tentative approval of the preliminary plat or a Site Condominium Plan.

## **Section 5.29      Roadside Produce Stands and Markets, Commercial**

1. Because roadside stands and markets are seasonal in character and utilized on a temporary basis, roadside markets that sell produce, shall be permitted subject to the following requirements:
  - A. The sale of products shall not take place in the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that off-street parking and adequate ingress and egress has been provided.
  - B. Upon discontinuance of the temporary use, any temporary structures shall be removed from the roadside.
  - C. All requirements of a temporary permit shall be met.
  - D. See Section 6.19.

## **Section 5.30 Self Storage Facilities**

A. **Requirements and Conditions** Self Storage Facilities permitted by right shall be subject to the following requirements and conditions of this section:

1. No activity other than the rental of storage units and the rental of outside storage space for operable and licensed recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
2. Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
3. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
4. All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
5. Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with Section 12.2, Landscaping, Greenbelts, Buffering and Screening.
6. The exterior design of the storage units is subject to Planning Commission review and Township Board review and approval, and must be compatible with adjacent properties and the rural character of Bunker Hill Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
8. A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be recommended by the Planning Commission and imposed by the Township Board, as well as the following:
  - a. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a single-family residence, not including the office space for the self storage facility.

- b. Exterior design of the caretaker or watchman's residence is subject to the review and of the Planning Commission and review and approval by the Township Board.
  - c. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.
- 9. **Parking Requirements:** A minimum of one (1) space for every one hundred fifty (150) self-storage units with a minimum of three (3) spaces to be provided adjacent to the office.
- B. **Waiver** Where the Planning Commission determines that compliance with all of the above standards are unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may recommend, and the Township Board may approve suitable alternatives that substantially achieve the purpose of this Section, provided that the applicant demonstrates that one of the following applies:
  - 1. That architectural or structural integrity and quality are not undermined.
  - 2. That any deviations from the above standards will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

### **Section 5.31      Storage of Materials**

The following provisions shall apply:

- A. Garbage, trash and similar refuse to be stored outside a building in the NC and LI Districts shall be stored within containers which shall themselves be stored within a screened enclosure. The enclosure shall be constructed of an opaque material, such as wood, concrete blocks, or bricks and shall be enclosed on at least three (3) sides. The fourth side shall have one (1) or more gates to provide access. The storage area shall have a concrete floor at least four (4) inches thick. Refer to blight ordinance.

### **Section 5.32      Transient and Temporary Amusement Establishments**

- A. The purpose of this Section is to ensure the safety and general welfare of the public, it being necessary to limit the number, size and place of various transient and temporary amusement enterprises including, but not limited to carnivals, fairs, circuses, outdoor socials, benefits and other fund raising affairs.

- B. The Township Board may permit transient and temporary amusements to be set up in any District.
- C. Transient and temporary amusement establishments may be permitted:
  - 1. When engaged in by schools, churches, fraternal societies, and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions.
  - 2. When such use and occupancy is temporary and/or seasonal only.
  - 3. When such use and occupancy is not detrimental to adjacent surrounding property.
  - 4. When such use and occupancy is not disturbing to the public peace and tranquility.
  - 5. When such use and occupancy will not create undue traffic hazard and congestion.
- D. Permits for such uses may be granted for periods not to exceed eight (8) consecutive days, and may be renewable for not more than eight (8) days.

### **Section 5.33      Veterinary Hospitals or Clinics**

- A. For small animals, including, but not limited to dogs and cats and other Class 1 animals: All activities must take place inside of a building.
- B. For veterinary hospitals or clinics that serve on sight Class II and III Animals – including, but not limited to horses, cows, pigs etc., the following shall apply:
  - 1. For each Class II Animal to be served the following applies:
    - a. One (1) and a half (1/2) acres for the first animal.
    - b. One (1) additional acre for the second through tenth animal.
    - c. Ten (10) Class III (Chickens, ducks, rabbits) animals equal one (1) Class II animal.
- C. Front, side and rear setbacks for veterinary hospitals or clinics serving Class II or Class III animals are as follows:

1. **Front Yard** No less than twenty-five (25) feet, unless specific district requires more.
2. **Side Yards** Each side twenty (20) feet, unless specific district requires more.
3. **Rear Yard** Thirty-five (35) feet unless, the specific district requires more.

#### **Section 5.34 Wireless Communication Facilities**

- A. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan and the conditions set forth in paragraph (3) below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.
  1. Attached wireless communication facilities within the A1, A2 and LI Districts only, where the existing structure is not, in the determination of the Planning Commission and the Township Board proposed to be either materially altered or materially changed in appearance.
  2. Collocation of an attached wireless communication facility which has been pre-approved for such collocation as part of an earlier approval by the Township Board.
  3. Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission and Township Board, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
  4. Monopole wireless communication support structures in the A1, A2 and LI Districts only.
  5. All wireless communication support structures established within a public right-of-way having an existing width of more than two hundred four (204) feet.
- B. If it is demonstrated to the satisfaction of the Planning Commission and the Township Board, by an applicant that a wireless communication facility may not reasonably be established as principal permitted use under paragraph

(1) above and is required to be established outside of a district identified in paragraph (1) in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the Township by special land use approval only subject to the requirements set forth in paragraph (3), and subject further to the special land use approval procedures of Article 7 and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:

1. At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
2. Wireless communication facilities shall be of a design including, but not limited to a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the collocation requirements of paragraph C. General Requirements, paragraph 14.
3. In the A1 and A2 Districts, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained with this Section:
  - a. Municipally owned sites.
  - b. Other governmentally owned sites.
  - c. Religious or other institutional sites.
  - d. Public parks and other large permanent open space areas when compatible.
  - e. Public or private school sites.
  - f. Other sites.

- C. **General Requirements** All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

1. All applications for the required permit to place construct or modify any part or component of a wireless communication facility shall include the following:
  - a. A site plan prepared in accordance with Article 9, Site Plan Review the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
  - b. A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
    - i. Proximity to an interstate highway or major thoroughfare.
    - ii. Areas of population concentration.
    - iii. Concentration of commercial, industrial and/or other business centers.
    - iv. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
    - v. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
    - vi. Other specifically identified reason(s) creating need for the facility.
  - c. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs goals and objectives.
  - d. The existing form of technology being used and any changes proposed to that technology.
  - e. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in effective radiated power ERP upon which the service area has been planned.

Note: Effective Radiated Power (ERP) is a measure of the power output of an antenna, used by stations to predict signal range, and by regulatory agencies to limit a station's emissions.

- f. The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- g. The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- h. A map showing existing and known proposed wireless communication facilities within Bunker Hill Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (1/2) mile radius of the proposed site which could accommodate a feasible collocation of the applicant's proposed attached wireless communication facility.
- i. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
- j. For each location identified in the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:

- i. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
  - ii. Whether property owner approvals exist or have been requested and obtained.
  - iii. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.
- k. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria including, but not limited to applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
- l. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for payment of any costs and attorney's fees incurred by the Township in securing approval.
- m. The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. In all cases there shall be fencing of at least six (6) feet in height, which is required for the protection of the tower.

- n. Evidence of site plan approval from the Federal Aviation Administration, if required due to a site's proximity to an airport, or evidence that such approval is not required.
  - o. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- 2. The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
- 3. The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be one hundred seventy-five (175) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under CFR 14 Part 77. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- 4. The setback of a monopole wireless communication support structure from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is located. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
- 5. Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located.

6. There shall be an unobstructed access to the wireless communication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
7. The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
8. The Zoning Board of Appeals may grant variances only for: (1) the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area; (2) the maximum height requirement; and (3) the collocation requirements of subparagraph C. 14.
9. Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms to all district requirements for accessory buildings, including yard setbacks and building height.
10. The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
11. Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

12. A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
13. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of Bunker Hill Township. The provisions of this subsection are designed by carry out and encourage conformity with the policy of the Township.
14. Any proposed commercial wireless communication support structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support structure and to accept attached wireless communication facilities mounted at varying heights.
15. A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly collocated and accommodated on an existing or approved wireless communication support structure or other existing structure due to one or more of the following reasons:
  - a. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.
  - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed

professional engineer and the interference cannot be prevented by any other means.

- c. Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
- d. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.

16. Collocation shall be deemed to be "feasible" for the purposes of this Section where all of the following are met:

- a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.
- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained within this subsection.

17. If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.

18. If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new

wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance and, consequently, such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure with Bunker Hill Township for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

19. Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subparagraph A.2, above, shall be expedited by Bunker Hill Township.
  20. When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of the wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.
- D. Upon the occurrence of one (1) or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.

- E. If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the Township may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.
- F. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

### **Section 5.35      Junk Yards, Automobile Wrecking Yards, Scrap Yards.**

In addition to other regulations set forth in this ordinance; all junk yards, automobile wrecking yards, and scrap yards shall conform to the following requirements:

- A. Travel routes for trucks entering and leaving the yard shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.
- B. A site plan shall be provided at the time of the special use permit application and shall meet all requirements of Article 9, Site Plan Review, herein. The site plan shall also contain a description of the location and nature of any materials processing operations to be conducted within the yard, and the location and nature of equipment for such operations.
- C. Yard materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
- D. Yard materials shall not be stored in piles higher than the top of the fence surrounding the yard. Automobiles, trucks, and other vehicles shall not be stacked in a manner that prohibits fire protection or does not protect the safety of visitors.
- E. The yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
- F. The yard, when established and located within one thousand (1,000) feet of any existing residential district or land being used for residential purposes, as measured on a straight line distance, shall not be open for business and shall not operate at any time other than between the hours

of 7:00 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays. Operations shall not be permitted on Sunday and major holidays, except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United States Code, Title 5, Section 6103.

- G. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the local Fire Chief, or other designated fire official, the Township Zoning Administrator, and the County Health Department.
- H. All flammable liquids contained in automobiles and other vehicles shall be drained from the same immediately after such vehicles are brought to the yard. Such liquids shall be temporarily stored in containers approved by the local Fire Chief or other designated fire official until properly disposed of according to law.
- I. All drives, parking areas, and loading/unloading areas shall be maintained in a firm condition so as to limit nuisances caused by dust on and public roads.
- J. There shall be not more than one (1) entranceway from each public street that adjoins the yard.
- K. Fencing shall be required as follows:
  - 1. A solid, screen-type fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) foot intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on or behind the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
  - 2. Where the yard is adjacent to an agricultural, residential, or commercial district, a solid, screen type fence or wall, seven (7) feet high as measured in L.1, preceding, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
  - 3. Where the yard is adjacent to any lot within a LI, Light Industrial District, a chain-link fence six (6) feet high as measured from grade level at each fence post shall be provided on any side or rear property line or portion thereof, adjoining such lots.

4. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a yard.
- L. Wrecking and processing operations are permitted in a yard, but shall be described in the application for the special use permit.

## **Article 6**

### **General Provisions**

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#### **Section 6.1        Intent**

The intent of this Article is to provide for those regulations which generally apply regardless of the particular zoning district.

#### **Section 6.2        Accessory Uses and Buildings**

A.    Application to Single-family Residential uses:

1.    Nothing contained herein shall be construed to limit the size of accessory buildings in conjunction with a legitimate farm operation as defined by this Ordinance provided all yard requirements are met.
2.    An accessory building which is structurally attached to a principal building shall be subject to all setback regulations applicable to principal buildings.
3.    Detached accessory buildings shall be located a minimum of twenty (20) feet from a principal building.
4.    In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
5.    Accessory buildings shall not exceed the maximum permitted height of the district in which they are located.
6.    Accessory building as a dwelling: No accessory building on the same lot as a principal building shall be used for dwelling purposes.  
or enclosed
7.    Private swimming pools shall be subject to the following:
  - a.    All yard setbacks shall be the required setbacks for the zoning district in which the pool is located, as specified in Section 4.4.9, Schedule of Area, Height and Placement Regulations.
  - b.    Access to all swimming pools shall be fenced in accordance with all applicable State and Township building codes and County Health Department standards.

- B. Application to All Other Uses: Accessory buildings and uses for all uses other than those listed above shall comply with applicable setback and height restrictions specified for the zoning district in which the accessory use or structure is located.

### **Section 6.3 Access to Streets**

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public road.

### **Section 6.4 Basement as a Dwelling**

No basement structure shall be used for occupancy unless a completed and approved story is situated immediately above the basement structure and such story is used as an approved dwelling.

### **Section 6.5 Buildings to be Moved**

No building or structure to that would normally require a building permit if that building were to be built on the given property shall be moved into or within the Township unless the Building Inspector has made an inspection of the building to be moved. The Building Inspector shall find that the building to be moved is structurally safe, will not adversely affect the character of existing buildings in the new location and will fully comply with the adopted building code and other codes regulating the health, safety and general welfare of the Township.

### **Section 6.6 Clear Vision Requirement**

- A. On any corner lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility between the heights of three (3) feet and ten (10) feet above the road grade level in an area measured a distance of thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting street right-of-way lines (See Clear Vision illustration in Section 2.3 Illustration of Terms)
- B. On any interior lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of three (3) feet and ten (10) feet measured a distance of twenty (20) feet back from the point where the driveway intersects the street right-of-way (See Corner and Double Frontage Lots illustration in Section 2.3, Illustration of Terms).



## **Section 6.7            Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Article 9, Site Plan Review, otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance

## **Section 6.8            Exemptions from Height Regulations**

The following structures shall be exempt from the height requirements provided in the district in which the structure is located: spires, belfries, penthouses and domes not used for human occupancy; chimneys; ventilators; skylights; water tanks, bulkheads (retaining walls); utility poles; power lines; radio and television broadcasting and other transmitting and receiving antennae; silos; all agricultural buildings; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Federal Aeronautics Administration, Michigan Department of Transportation (Michigan's Tall Structures Act, P.A. 259 of 1959) and other public authorities having jurisdiction.

## **Section 6.9            Fences, Walls and Screens**

The erection, construction or alteration of any fence or other type of protective barrier shall be approved through permit, by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development. Except as otherwise required by this Ordinance, the following regulations shall apply:

- A.    **All Districts:** Fences, walls and screens shall not be located in any public right-of-way or any easement granted for the purposes of ingress or egress.
- B.    **Agricultural Districts (A1, A2)** Fences in an A1, Agricultural Business and A2, Agricultural District are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses, special uses and when in conflict with Section 6.6, Clear Vision Requirement.
- C.    **Residential Districts (R1, R2)** Within the limits of the front yard space of a lot, no fence, wall or other screening structure shall exceed three (3) feet in height unless at least fifty (50%) percent of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator. No fence, wall or other screening structure in a side or rear yard space shall exceed eight (8) feet in height.

- D. **Nonresidential Districts (NC, LI)** Within the limits of the front yard space of a lot within a nonresidential district, no fence, wall or other screening structure shall exceed four (4) feet in height. No fence, wall or other screening structure in a side or rear yard space shall exceed eight (8) feet in height.
- E. The use of barbed wire, spikes, nails or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interest of public safety.
- F. Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- G. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.

## **Section 6.10 Home Occupations**

- A. A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes, and shall not change the character of the residential nature of the premises, both in terms of use and appearance. Such home occupation shall be carried on within a single-family detached dwelling.
- B. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation
- C. There shall be limited additional vehicular traffic permitted for the home occupation, such as is normally generated for a dwelling unit in a residential area, both as to volume and type of vehicles.
- D. An application for a home occupation permit shall be in writing and subject to the approval by the Zoning Administrator with reports and appeals to the township board. Also see Article 7, Special Land Use Procedures.

## **Section 6.11 Lot/Building Relationship**

Hereafter, every building erected, altered or moved shall be located on a lot as defined herein, and except in the case of an approved multiple dwelling, no more than one (1)

principal building and its permitted accessory buildings or structures shall be located or erected on each lot.

## **Section 6.12 Minimum Dwelling Unit Floor Area**

All dwellings, in all residential districts (RC, A1, A2, R1, and R2), shall contain a minimum floor area, in accordance with the following:

| Type of Dwelling Unit                                                  | First Floor Area (Sq ft) | Total Floor Area (Sq ft) |
|------------------------------------------------------------------------|--------------------------|--------------------------|
| <b>Single-family</b>                                                   |                          |                          |
| <b>One Story</b>                                                       | 720                      | 720                      |
| <b>Two Stories</b>                                                     | 1,240                    | 1,240                    |
| <b>Two and Multiple Family</b>                                         |                          |                          |
| <b>Efficiency</b>                                                      |                          | 450                      |
| <b>One Bedroom</b>                                                     |                          | 650                      |
| <b>Two Bedroom</b>                                                     |                          | 750                      |
| <b>Three Bedroom</b>                                                   |                          | 900                      |
| An addition of 100 square feet is required for each bedroom over three |                          |                          |

## **Section 6.13 Mobile Home Park Site Design Requirements**

The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of 1987 PA 96, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code. In addition to the rules and standards of the State of Michigan, Bunker Hill Township imposes the following conditions:

- A. Mobile Home Parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96 of 1987, and subsequently adopted rules and regulations governing mobile home parks.
- B. Mobile Home Parks shall not be permitted on parcels less than fifteen (15) acres in size.
- C. Individual mobile home sites within a mobile home park shall have a minimum lot size of five thousand five hundred (5,500) square feet per mobile home being served. This five thousand five hundred (5,500) square foot minimum may be reduced by twenty (20%) percent, provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through this reduction of

the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required by the Mobile Home Code.

- D. The minimum setback for mobile home parks shall be fifty (50) feet from a public right-of-way. Mobile home parks shall be landscaped as follows:
  - 1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
  - 2. If the park abuts a non-residential development, the park need not provide screening.
  - 3. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way. Such screening shall consist of evergreen trees, at least six (6) feet in height, or shrubs of a minimum of three (3) feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.
- E. Mobile Home Parks shall be subject to preliminary plan review requirements in accordance with P.A. 96 of 1987, as amended.
- F. A permit shall not be required for the construction or erection of canopies or awnings which are open on three (3) sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

**Section 6.14      Open Space Preservation Option** (In Accordance with P.A. 177 of 2001).

At the option of the developer, land zoned A1 and A2 may be developed for detached single-family residential subdivisions and condominiums in the fashion established under P.A. 177 of 2001. Land developed under this option must adhere to the following requirements:

- A. The applicant must prepare and submit a parallel design for the project showing a feasible development under the requirements of all State, County and Township ordinances, rules and laws. The Planning Commission must review the parallel design and determine the number of lots or units that could be feasibly constructed on the subject property. This number, as determined by the Planning Commission is the maximum number of dwelling units allowed.

Parallel Design: Is a design based on the current zoning requirements of the township and all State and County statutes (i.e. the Land Division Act's land division or platting regulations).

- B. **Minimum Open Space Required** In all developments proposed under the standards of this option, at least fifty (50%) percent of the gross buildable area of the subject property must be perpetually preserved as open space. Gross buildable area is defined as that portion of the gross site area not containing open bodies of water, streams, floodplains and wetlands (as defined by the Michigan Department of Environmental Quality).
- C. The following land areas shall not be applied toward satisfaction of the minimum open space requirement stated under Section 6.14.B, above.
1. Unbuildable land, including wetlands, floodplain area, open bodies of water and streams.
  2. The area of any public road right-of-way or private road easement.
  3. Areas within lots or units.
  4. Public or private golf courses.
- D. The following land areas may be applied toward satisfaction of the minimum open space requirement stated under Section 6.14.B, above.
1. Uncleared areas of the site left in their natural condition.
  2. Landscaped greenbelts.
  3. Public and private parks developed with recreation amenities including but not limited to: landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements.
  4. Stormwater management facilities, including detention, retention and sedimentation basins, up to twenty-five (25%) percent of the total amount of open space required under Section 6.14.B, above.
- E. **Open Space Standards** Open space intended to satisfy the minimum requirements stated under Section 6.14.B, must adhere to the following standards:

1. Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
2. Open space must be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This shall not apply to stormwater management basins.
3. Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each forty (40) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage-landscaping requirement.
4. Open Space Must be Accessible: Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
5. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.
6. Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over one hundred (100) residential units or golf course communities), the Planning Commission may require view sheds of lakes or other areas as a condition of approval. A view shed shall be composed of at least one hundred (100) lineal feet of road frontage having an unobstructed view of a lake or other landscape feature found acceptable to the Planning Commission.
7. Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access.
8. **Preservation of Open Space** Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board, such as:

- a. Recorded deed restrictions;
  - b. Covenants that run perpetually with the land;
  - c. Dedication to a land conservancy approved by the Planning Commission; or
  - d. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 324.2140).
9. Preservation of open space as described above under 6.14.E.8, shall assure that 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. The recorded document utilized shall:
- a. Indicate the proposed allowable use(s) of the preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit but are not limited to the following:
    - i. Dumping or storing of any material or refuse;
    - ii. Activity that may cause risk of soil erosion or threaten any living plant material;
    - iii. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
    - iv. Use of motorized off-road vehicles;
    - v. Cutting, filling or removal of vegetation from wetland areas;
    - vi. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
  - b. Require that the preserved open space be maintained by parties who have an ownership interest in the open space.
  - c. Provide standards for scheduled maintenance of the open space.
  - d. Provide for maintenance to be undertaken by Bunker Hill Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

10. **Continuing Obligation** The preserved open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan or plat. 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.
11. **Allowable Structures** Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:
- a. Maintenance buildings;
  - b. Clubhouse;
  - c. Recreation structures (gazebos, boardwalks, docks, etc.);
  - d. Other structures as approved by the Planning Commission.
  - e. The above accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1%) percent of the required open space area.
12. **Lot Size Reduction**
- a. The minimum lot width and lot area for lots or units in single-family detached residential developments, as stated in the Schedule of Regulations for each zoning district, may be reduced by up to fifty (50%) percent when development using the option provided under this sub-section.
  - b. Notwithstanding 6.14.E.12.a, above, no lot area shall be reduced below one-half (1/2) acre, nor shall the lot width be reduced below one hundred (100) feet. A larger lot area may be required to meet County Health Department requirements related to the use of on-site septic and wells, and/or for conformance with the requirements of P.A. 288 of 1967, the Land Division Act, as amended.
  - c. Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the minimum required open space described above under Section 6.14.B.
  - d. Required yard setbacks shall not be reduced.
13. Land shall not be developed using this option in a manner that would

necessitate the extension of public sewer or water outside of the Township's established utility district(s), if any.

14. The Landowner and/or developer utilizing this option must comply with the procedures contained in Article 7, Special Use Procedures.

### **Section 6.15 Required Water Supply and Sanitary Sewerage Facilities**

No structure for human occupancy or use, shall hereafter be erected, altered, or moved or used or occupied unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes as certified in writing by the County Health Department, its successors or assigns.

No drain field for a septic tank system shall be located nearer than one hundred fifty (150) feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.

### **Section 6.16 Sanitary Landfills**

Sanitary landfills shall:

- A. Only be located in the A-1 and A-2 District(s).
- B. Be located by a County Plan prepared in conformance with Public Act 641 of 1978, The Solid Waste Management Act, or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 64 of 1979, The Hazardous Waste Act and;
- C. Have direct access to an impervious hard surfaced paved all-weather year-round road as defined by the County Road Commission.

### **Section 6.17 Single-family Dwellings, Mobile Homes, Modular, and Prefabricated Housing**

- A. No site built single-family dwelling, mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards.
  1. **Square Footage** Each dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located. (See Section 6.12)

2. **Dimensions** Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of at least twenty (20) feet.
3. **Undercarriage** Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
4. **Sewage Disposal or Water Supply** Each such dwelling unit shall be connected to a public sewer and water supply or to a private facility approved by the County Health Department.
5. **Storage Area** Each such dwelling unit shall contain a storage area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to, or of better quality than the principle dwelling. Such storage area shall be equal to ten (10%) percent of the square footage of the dwelling unit, or one hundred (100) square feet, whichever is less. The storage structure shall be properly anchored in accordance with applicable Building Codes.
6. **Architecture and Compatibility** The compatibility of design and appearance shall be determined by the Zoning Administrator.
  - a. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
  - b. All homes shall have a minimum roof pitch of four (4) inches of rise for every twelve (12) inches of run (4/12 pitch) and an overhang of not less than twelve (12) inches on all sides.
  - c. The dwelling shall not have less than two (2) exterior doors, neither on the same side. Steps shall also be required for exterior doors or porches connected to said doors where a difference in elevation requires it.
  - d. Any determination of compatibility shall be based upon the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20%) percent of the lots situated with said area; or where said area is not so developed by the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the Township.

- e. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, land contour or relief from the common or standard home design.
- B. **Additions** Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and foundation as required herein.
- C. **Code Compliance** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the *Mobile Home Construction Safety Standards* as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
- D. **Building Permit** All construction required herein shall commence only after a zoning / building permit have been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- E. **Exceptions** The above standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required otherwise by this Ordinance or by state or federal law.

## **Section 6.18      Temporary Dwelling Permits**

- A. No mobile home or recreational vehicle shall be used as a temporary dwelling except in accordance with the provisions contained herein. Any person may request a temporary dwelling permit from the Zoning Administrator by filing a completed application form with the Township Clerk.
- B. The Zoning Administrator shall have authority to grant a permit for the temporary occupancy of mobile homes or recreational vehicles, during which time a permitted dwelling is being constructed, subject to the following conditions.
  - 1. The temporary dwelling permit shall be issued only after the footings for the proposed dwelling have been installed.
  - 2. Where a temporary dwelling permit has been issued, the period of construction of a new permanent dwelling shall not exceed a period

of twelve (12) consecutive months. The owner of the permanent dwelling and members of such owner's immediate family shall be permitted to occupy the temporary residence situated at the construction site provided such owner intends to occupy the permanent dwelling as a residence upon completion of its construction.

3. Such temporary dwelling shall not be located within the front yard setback.
  4. The temporary dwelling shall contain sleeping accommodations, a flush toilet, and a tub or shower adequate to serve the occupants thereof. The temporary dwelling shall be properly connected to a septic sewage disposal system which is approved by the County Health Department. RV would be exempted by the permission of the zoning administrator.
  5. The performance guarantee required in conformance with Section 3.8 Performance Guarantee Required, shall be required and may be forfeited to Bunker Hill Township. The temporary dwelling shall be immediately removed should a violation of any of the conditions of the permit or applicable provision of this Ordinance occur.
- C. No unoccupied temporary mobile home shall be stored on any lot beyond the time period of the temporary dwelling permit.
- D. A basement shall not be used as a temporary dwelling while the remaining portion of the dwelling is either under construction or is incomplete.

**Section 6.19      Temporary or Seasonal Uses – Commercial**  
(See Section 5.30 Roadside Produce Stands and Markets)

- A. A temporary land use permit is subject to the approval of the Zoning Administrator.
- B. All such sales shall be conducted so as to not create a traffic hazard or nuisance to neighboring properties.
- C. Upon discontinuance of the seasonal use, any temporary structures shall be removed.
- D. Signs shall conform to the provisions of the district in which the seasonal use is located, as set forth in Article 14, Signs.

**Section 6.20      Wastewater Treatment Systems, Community**

- A. **Community Wastewater Systems** shall require a special use permit from the Township Board, in accordance with the procedures and standards set forth in Article 7, Special Use Procedures. Community wastewater utility systems shall be strictly prohibited in areas of the Township served by public sanitary sewers.
- B. In addition to the requirements established by the State of Michigan and/or Ingham County, the following site development and use requirements shall apply:
  - 1. Required standards and findings set forth in Article 7, Special Land Use Procedures, shall be met.
  - 2. All operations and structures shall be surrounded on all sides by a setback of at least two hundred (200) feet from the nearest property boundary, unless a greater or lesser distance has been agreed to through the Planned Unit Development process or a development agreement. Landscape buffering in accordance with Section 12.2, Landscaping, Greenbelts, Buffering and Screening, shall be placed to minimize the appearance of the installation and to help confine the odors therein.
  - 3. The point of discharge of a community wastewater utility system shall be located at a minimum of:
    - a. **Separation Distance** Five hundred (500) feet from another approved community wastewater utility system.

- b. **Ground Water Discharge** Groundwater discharge shall be permitted in accordance with the Michigan Department of Environmental Quality (MDEQ), Part 22, Groundwater Quality standards.
- c. **Surface Water Discharge** Surface water discharge shall be permitted in accordance with the State of Michigan, Department of Environmental Quality (MDEQ), Part 4 Water Quality standards.

## **Section 6.21      Visibility at Intersections**

- A. **Corner Lot** On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet above the road grade level in an area measured a distance of thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting street right-of way lines. (See page 2-54 for illustration. This section is coordinated with Section 6.6, Clear Vision Requirement).
- B. **Interior Lot** On any interior lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of three (3) feet and ten (10) feet measured a distance of twenty (20) feet back from the point where the driveway intersects the road. (See page 2-55 for illustration. This section is coordinated with Section 6.6, Clear Vision Requirement).

## **Article 7**

### **Special Land Use Procedures**

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#### **Section 7.1            Authority to Grant Special Use Permits**

The Township Board shall have the authority to grant special use permits and to attach conditions prior to granting the permit. Only those uses listed in each zoning district as special uses, or deemed similar by the Board and the Planning Commission to such listed uses, shall be considered for special use permit review and approval.

#### **Section 7.2            Application Procedures**

- A.    **Applicant** Any person owning or having interest in land located within the Township may file an application for one (1) or more special land uses provided for in this Ordinance in the zoning district in which the land is situated.
  
- B.    **Pre-Application Conference** Prior to submitting a Special Land Use Application, the applicant shall request a conference with the Township Supervisor, Zoning Administrator and the Township Clerk, so as to identify information required to accompany the application and a review of required procedures. The Supervisor or the Clerk, at their discretion, may request additional persons to attend the pre-application conference. Each Special Use shall require a separate application. At the Pre-Application Conference the applicant can request that the preliminary and final site plan be combined, however it is at the sole discretion of the Supervisor and/or Clerk and Zoning Administrator to permit this option.
  
- C.    **Preliminary Site Plan Review** All applications for Special Use Approval shall be accompanied by a preliminary site plan that contains all information contained in Article 9, Site Plan Review, Section 9.7.
  
- D.    **Application/Fees** Application for Special Use Approval authorized in this Zoning Ordinance shall be submitted to the Township Clerk or other official who may be designated by the Township Board, on a form for that purpose. Each application shall be charged a fee(s) to defray the cost of the notification requirements of this Zoning Ordinance and any consultant fees that are associated with the proceedings and review required on the application. No part of the application fee is refundable. The fees shall be in accordance with the duly adopted schedule of fees. If any parts of the fees charged to cover consultants (planners, engineers etc.) are unused they will be returned to the applicant. In any case, the applicant shall pay

all consultant fees charged for the processing and review of the application that are over and above those fees collected for consultant services.

### **Section 7.3 Information Required**

- A. The applicant's name, address, and telephone number.
- B. The names and addresses of all owners of record and proof of ownership.
- C. The applicant's interest in the property, and if not the fee simple owner, a signed authorization from the owner(s) for the applicant.

**Fee Simple Ownership** in real estate is the highest form. The property owner is entitled to full enjoyment of the property, limited only by zoning laws, deed or subdivision restrictions or covenants. The duration of this ownership is not limited and can be passed along in a will to the owner's heirs.

- D. Legal description, address, and tax parcel identification number of the property.
- E. A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
- F. A detailed description/narrative of the proposed use.
- G. Seven (7) copies of a preliminary site plan which includes adequate information to evaluate the functionality of the site and all information required in Article 9, Site Plan Review, Section 9.7.

### **Section 7.4 Review and Legal Noticing Procedure**

- A. **Review** When the Township Clerk, or the official designee receives an application for a special land use approval, the application, accompanied by the preliminary site plan shall be referred to the Planning Commission for review. The Planning Commission may hold a public hearing, however since the **Township** Board is the approving body, the **Township** Board shall hold a public hearing, if deemed necessary. All public hearings held by the Planning Commission and the **Township** Board shall follow the procedure outlined in Section 7.4.B. Legal Notice, below.

**B. Legal Notice**

1. One (1) notice indicating that a request for a special land use has been received shall be published in a newspaper of general circulation within the Township. Notices shall also be sent by mail to the last known address of tax record, or personal delivery to the owners of property for which approval is being considered.
2. Notices indicating that such a request has been received will also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property for which a special land use has been requested. Notices will also be sent by mail or personal delivery to the owners of property, to persons to whom real property is assessed, and the occupants of all structures located within three hundred (300) feet of the property in question whether or not the property or occupant is located in the zoning jurisdiction. If the name of an occupant is not known, the term "Occupant" may be used in making notification. Notices shall be given not less than fifteen (15) days before either the date of the public hearing or the date the special land use application will be considered by the Planning Commission or the Township Board. The notice shall include the following:
  - a. Describe the nature of the special land use request;
  - b. Indicate the property that is the subject of the special land use request, including a listing of all existing street addresses within the property, if applicable;
  - c. State when and where the special land use request and/or public hearing will be held; and
  - d. Indicate when and where written comments will be received concerning the request.

**C. General Standards Applicable to All Special Uses** The Planning Commission and the Board shall review the proposed special land use in terms of the standards stated as follows:

1. Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan;
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;

3. Will not be hazardous or disturbing to existing or future nearby uses;
4. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility;
5. Will not create additional public costs and will not be detrimental to the economic welfare of the community; and
6. Will be consistent with the intent and purposes of this Zoning Ordinance.

**D Planning Commission Findings and Recommendation** The Planning Commission shall formulate its findings and recommendation on the Special Land Use application based on the record of the public hearing, if held, terms of this Ordinance and it's judgment of measures and safeguards necessary for protection of the public, health, safety and welfare, the natural resources, local economy, local public services, preservation of property values, and prevention of discordant land uses within the Township. The Planning Commission may recommend approval, denial, or approval **for the consideration by the township board** with conditions attached to any special land use application. Copies of the public hearing record, if any, application material, and the Planning Commission's findings and recommendations regarding the Special Land Use Application shall be transmitted to the Township Clerk.

**E. Township Board Review and Public Hearing** Upon receipt of the Planning Commission's recommendation and findings by the Clerk, the Township Board shall consider the special land use application within a reasonable amount of time and shall hold a public hearing. Noticing of the public hearing to be held by the Board shall follow the method outlined in Section 7.4. B.

**F. Board Findings and Recommendation** Following the public hearing, the Township Board may deny, approve, or approve with conditions, requests for a special land use. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The statement of findings and conclusions relative to the special land use under consideration shall be made part of the record of the meeting. The decision shall specify the basis for the decision and any conditions imposed. The approval of the special land use permit shall incorporate approval of the Preliminary Site Plan.

Within seven (7) days of the Board action on any Special Land Use Application, a copy of the Board's decision and statement of findings and

conclusions, in addition to conditions imposed, shall be provided to the applicant.

- G. **Effect of Approval by the Board** The effect of approval by the Board of a special land use and the accompanying preliminary site plan shall grant to the applicant the right to proceed to prepare the final site plan, unless the applicant had previously received permission from the Supervisor, Clerk and Zoning Administrator to proceed with a combined preliminary and final site plan (See Section 7.2.B. Pre-Application Conference).
- H. **Issuance of Special Land Use Permit** Upon approval by the Board, an application for a Special Land Use Permit, the Clerk, or designee, shall issue a Special Land Use Permit which shall be subject to Final Site Plan approval of all uses authorized by the Special Land Use Permit and further subject to Article 3.8, Performance Guarantee Required.
- I. **Final Site Plan Required** Within twelve (12) months of the issuance of the Special Land Use Permit, a final site plan for the proposed development shall be filed with the Township Supervisor or Zoning Administrator. The final site plan shall include all information contained in Article 9, Site Plan Review, Section 9.8, and be in substantial conformance with the Special Land Use Permit and the approved Preliminary Site Plan. The approved Special Land Use Permit and Preliminary Site Plan are null and void and considered expired if the applicant fails to file the required final site plan within twelve (12) months. The Final Site Plan may represent a phasing of development so long as each phase is consistent with the approved Preliminary Site Plan. Each phase will require a separate final site plan.
- J. **Procedure for Final Site Plan Approval** The applicant shall follow the procedures in Article 9, Site Plan Review for the final site plan. Final site plans require Planning Commission review, recommendation and Board approval.
- K. **Imposition of Conditions and Safeguards** The Board may impose conditions and safeguards deemed necessary for ensuring that the purposes of the Zoning Ordinance are met. Conditions imposed shall meet all of the following requirements:
  - 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social economic well being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
3. Be necessary to meet the intent of the purpose of the zoning requirements;
4. Be related to the standards established in the zoning ordinance for the land use or activity under consideration;
5. Be necessary to insure compliance with those standards.

## **Section 7.5            Validity of the Special Land Use Permit**

- A. Board approval of a Special Land Use Permit upon specified lands shall be valid, unless otherwise stated, regardless of a change of land ownership, provided all terms, conditions and zoning regulations are complied with by the new owner. The Township Clerk shall maintain a copy of all Special Land Use Permits in the Office of the Township Clerk.
- B. Where development authorized by the issuance of a Special Land Use Permit has not commenced within two (2) years of the approval of the Final Site Plan, the Special Land Use Permit shall be null and void, all rights granted there under shall be suspended. Upon written application by the property owner and/or applicant, the Township may authorize a single time limit extension of 180 days.

## **Section 7.6            Revocation by the Township Board**

The Township Board shall have the authority to revoke any special use permit if the holder of the permit has failed to comply with any of the applicable requirements of this Article or the terms of the permit. After a revocation notice has been given, the use for which the permit was granted shall cease.

## **Section 7.7            Re-Application**

No application for a Special Land Use Permit, which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Township Board.



## **Article 8**

### **Planned Unit Development**

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#### **Section 8.1          Application and Interpretation of Regulations**

The intent of a Planned Unit Development (PUD) is to permit greater flexibility and consequently more creative design of various types of development that are not possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. Development under the Planned Unit Development (PUD) district regulations shall, encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of Bunker Hill Township and bring about a greater compatibility of design and use.

The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. Also refer to Article 6.

#### **Section 8.2          Permitted Uses**

Any land use authorized in this Ordinance may be included in a Planned Unit Development. Land uses included in the PUD are subject to adequate public health, safety, and welfare protection mechanisms. These mechanisms shall be designed into the development to ensure the compatibility of the varied land uses both within and outside the development.

#### **Section 8.3          Project Design Standards**

The following requirements expand upon and/or are in addition to the requirements detailed in Article 9, Site Plan Review. They shall, in all cases, be adhered to by developments in a PUD district.

##### **A.          Density and Use Criteria**

1. All density requirements shall be computed on a total gross area basis, less water area.
2. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to reclassification under this Article.

Additional density for residential uses may be allowed at the discretion of the Township Board, upon the recommendation of the Planning Commission, based upon a demonstration by the applicant of consistency with the Master Plan, planning and design excellence resulting in a material benefit to the Township, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

3. Residential areas within a PUD may contain different types of dwelling units, if it can be demonstrated to the satisfaction of the Planning Commission, with final approval by the Township Board, that the proposed combination by type will not interfere with the reasonable platting of any area.
4. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units and adjacent land uses in a manner consistent with good land use and community planning principles, subject to Section 12.2, Landscaping, Greenbelts, Buffering, and Screening.

**B. External and Internal Circulation and Access**

1. All development in the PUD district, which shall include each lot or principal building, shall have internal vehicular access from a public road. All roads shall be hard surfaced. Public roads shall be accepted and maintained by the County Road Commission.
2. Access points to a PUD development shall be from a hard surfaced public road, accepted and maintained by the County Road Commission and located no less than five-hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two-hundred seventy (270) feet from either side lot line of the parcel.
3. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Township Planning Commission, as part of the site plan.

4. Pathway systems that link all internal principal residential, commercial and industrial units to onsite amenities (recreation areas, open space, etc.) must be provided and connected to an adjacent parcel's pathways if practical, unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
5. Standards of design and construction for public roads may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public roads shall first be approved by the County Road Commission Engineer.
6. Private roads are not permitted within Bunker Hill Township.

**C. Site Design and Layout**

1. All principal buildings and all accessory buildings or structures shall be located at least one hundred (100) feet from any exterior public roadway right-of-way line and/or the area to be platted.
2. All regulations applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.
3. Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board upon the recommendation of the Planning Commission, designed into the project plan for the purpose of achieving the objectives of this Article.

4. There shall be a perimeter setback and berming, as found to be necessary by the Township Planning Commission and in accordance with the Township Board, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet at the discretion of the Township Planning Commission in accordance with the Township Board, taking into consideration the use or uses in and adjacent to the development. At the discretion of the Planning Commission and in accordance with the Township Board, the setback distance need not be uniform at all points on the perimeter of the development.
5. A robust landscaping component shall be required for the perimeter and interior of the site. The design and location of such screening shall provide an attractive and affective appearance and meet the standards of Section 12.2, Landscaping, Greenbelts, Buffering, and Screening.
6. The outdoor storage of goods and materials shall be prohibited in a PUD. Any such storage shall be in an enclosed structure.

**D. Natural Features**

1. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. The benefit that would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity there on, taking into consideration the local, state and national concern for the protection and preservation of natural resources or features and the following criteria:
  - a. The availability of feasible and prudent alternative methods of accomplishing any development.
  - b. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
  - c. The size, quality and rarity of the natural resources or natural features that would be impaired or destroyed.
2. A minimum distance of twenty-five (25) feet shall be provided between a wetland boundary and any area of disturbance, including any grading or site construction.

**E. Open Space Regulations** (Also see Section 6.14)

1. A land, water or land/water area constituting not less than twenty-five (25%) percent of the total land area shall be designed as permanent open space. Water or detention/retention facilities may only be considered for ten (10%) percent of the required minimum open space calculation. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the District and such open space shall be considered as an integral component of the overall PUD. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the PUD.
2. All open space areas shall be of sufficient size to be usable for the functions intended and shall be maintainable.
3. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space, but shall not be included in the required minimum open space calculation. Other building and improvements shall be prohibited therein.
4. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
5. The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities such as steep slopes, ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and wetlands be preserved as part of the open space system.

**F. Legal Mechanisms to Ensure Facility and Open Space Maintenance**

1. Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of

Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:

- a. The HOA, ACE, or AIE shall be established before any building or structure in the PUD are sold or occupied.
- b. Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
- c. Restrictions shall be permanent.
- d. The HOA, ACE, or AIE shall be made responsible for liability.
- e. Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

**G. Utilities**

1. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities.
2. All development will be required to provide adequate fire protection systems as determined and approved by the appropriate fire authority and ambulance service. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate county or state agencies must be presented to the Planning Commission and Township Board before action can or will be taken on any PUD request.

Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions which shall provide for participation in maintenance costs by each owner of the planned unit development served by such a system.

3. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted. However, all storm water facilities shall be designed to have a natural appearance. Native vegetation will be recommended to strengthen the natural appearance of the facilities and to improve

storm water quality.

4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of street lights may be required of developments in the PUD district. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

#### **Section 8.4            Project Phasing and Commencement of Construction**

- A. **Phasing** If the proposed development is to be constructed in phases, a narrative description of the phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the site plan is submitted. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.
- B. **Commencement and Completion of Construction** Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the construction schedule set forth by the applicant. If construction is not commenced within such time, approval of the site plan shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown. Such a request must be made to the Township Board prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

## **Section 8.5                      Standards for Review**

The Planning Commission shall determine and shall provide evidence in its review and recommendation to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A.     Granting of the planned unit development will result in one (1) of the following:
  - 1.     A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  - 2.     Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  - 3.     A non-conforming use will, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- B.     The proposed type and density of use will not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
- C.     The proposed development will not result in an unreasonable negative economic impact upon surrounding properties.
- D.     The proposed development will be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
- E.     The proposed development will conform to the Township Master Plan or any part thereof, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Township Land Use Plan.
- F.     The proposed development will conform to the intent and all regulations and standards of a PUD District.
- G.     The proposed development will be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse

disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.

- H. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- I. The applicant will have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions will have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is enforced.
- J. The mix of housing unit types and densities, and the mix of residential and non-residential uses will be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- K. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- L. The proposed development will create a minimum disturbance to natural features and land forms.
- M. Roads will follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The property shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
- N. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard, the Planning Commission shall consider the following:
  - 1. Convenient routes for pedestrian traffic;
  - 2. The relationship of the proposed project to main thoroughfares and street intersections;
  - 3. The general character and intensity of the existing and potential development of the surrounding area;
- O. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the PUD where applicable.

## **Section 8.6 Procedure for Review**

- A. **Concurrent Rezoning** If the development proposed for the PUD designation is not compatible with the current underlying zoning, a concurrent re-zoning to the desired zoning district can proceed along with the PUD request on one (1) application, if discussed with, and agreed to by Township Officials during the pre-application conference (See paragraph B. below). The requested re-zoning for the underlying zoning must be consistent with the Bunker Hill Township Master Plan.
- B. **Pre-application Conference** Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Township Supervisor, Zoning Administrator and Township Planning Commission Chair or her/his designee(s) together with any staff and consultants the Planning Commission Chair deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information:
1. Total number of acres in the project.
  2. The number of residential units.
  3. The number and type of nonresidential uses.
  4. The number of acres to be occupied by each type of use.
  5. The known deviations from ordinance regulations to be sought.
  6. The number of acres to be preserved as open or recreational space.
  7. All known natural resources and natural features to be preserved.
  8. Request for a concurrent rezoning.
- C. **Preliminary Site Plan** Following the Pre-application Conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. 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 8.5 have been met.
1. **Information Required for a Preliminary Site Plan** The preliminary site plan for a PUD shall be in conformance with and

contain all information in Section 9.7 herein at a minimum, plus the following information set forth below:

- a. Evidence of ownership, location and description of site dimensions and areas.
- b. General topography and soil information.
- c. Scale, north arrow, date of plan.
- d. 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.
- e. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
- f. Location, size, and uses of open space.
- g. General description of the organization that will maintain common areas and facilities.
- h. General landscape concept showing tree masses to be preserved or added, trees to be removed, buffer areas, and similar features.
- i. General descriptions of proposed water, sanitary, and storm drainage systems with calculations for sizing retention and detention basins.
- j. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
- k. General location, function, surface width, surface material, and right-of-way of proposed public and private streets.
- l. General location of proposed parking areas, type of surface material, and approximate number of spaces to be provided in each area.
- m. Location and area of each development phase.
- n. Include all information required in Section 9.7, Information Required for a Preliminary Site Plan.

2. **Planning Commission Review Public Hearing and Recommendation and Township Board Hearing and Final Determination** The preliminary site plan shall be noticed for public hearing before the Planning Commission in the following manner:
  - a. A notice of the public hearing shall be published in at least one (1) newspaper of general circulation and sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - b. The notice shall be given not less than fifteen (15) days before the date that the public hearing will be held.
  - c. The notice of public hearing shall:
    - i. Describe the nature of the request.
    - ii. Describe the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - iii. State when and where the public hearing will be held.
    - iv. Indicate when and where written comments will be received concerning the request.
3. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one (1) of the following actions:
  - a. **Recommendation of Approval** Upon finding that the preliminary site plan meets the criteria set forth in Section 8.6.C, the Planning Commission shall recommend approval to the Township Board. Approval of the PUD and the preliminary site plan shall constitute approval of the uses and design concept as shown on the preliminary site plan.

Recommendation of approval of the preliminary site plan by the Planning Commission shall not bind the Township Board to approval of the same.

- b. **Tabling** Upon finding that the preliminary site plan does not meet the criteria set forth in Section 8.6.C, but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted. Upon the tabling of the site plan the applicant has one hundred eighty (180) days to submit a revised site plan to the Planning Commission. If a revised site plan is not submitted on or before one hundred eighty (180) days the site plan shall expire. The applicant must then re-apply for preliminary site plan review and approval in accordance with Section 8.6, Procedure for Review. The applicant shall pay for all additional meetings.
- 4. Following the receipt of the Planning Commissions findings and recommendation, the Board shall review and make a final recommendation on the preliminary site plan.
  - a. **Board Action** The Township Board may approve, approve with conditions or deny the preliminary site plan if it does **not** meet the conditions set forth in Section 8.6.C. Any conditions shall be resolved before the final site plan is approved.
  - b. **Effect of Approval by the Township Board** Approval of the preliminary site plan shall constitute approval of the uses and design concept as shown on the preliminary site plan and shall confer upon the applicant the right to proceed to preparation of the final site plan.
  - c. **Effect of Denial By Township Board** If the Township Board denies the preliminary site plan the process is terminated.
- D. **Final Plan** Once the preliminary site plan has been approved the applicant has one hundred eighty days (180) days to submit a final site plan and supporting materials conforming to this Section. If a final site plan is not submitted by the applicant for final approval within one hundred eighty (180) days of the approval of the preliminary site plan, the preliminary site plan approval becomes null and void. At the sole discretion of the Planning Commission an extension of ninety (90) days may be granted, however such extensions shall not exceed two (2) ninety (90) day periods.

1. **Information Required for a Final Site Plan** A final site plan and application for a PUD shall contain the following information:
  - a. The final site plan shall meet all requirements of Section 9.8.A., Final Site Plan Application and Section 9.8.B., Information Required for a Final Site Plan.
  - 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 planned unit development article.
  - 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 and pertinent construction details.
  - f. Signatures of all parties having an interest in the property.
2. **Planning Commission Review and Township Board Hearing and Final Determination**
  - a. **Planning Commission Review** The applicant shall submit the final site plan for the PUD to the Planning Commission for review and recommendation to the Township Board. Upon making its recommendation, 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.

- b. **Township Board** Upon receipt of the Planning Commission's recommendation on the final PUD plan, the Township Board may approve, approve with conditions, or deny said final PUD plan.
- c. **Effect of Approval – Final PUD Plan** The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with the final PUD plan. The applicant shall record an affidavit with the County Register of Deeds, which shall contain the following:
  - i. Date of approval of the final PUD plan by the Township Board.
  - ii. Legal description of the property.
  - iii. Legal description of the required green space along with a plan stating how this green space is to be maintained.
  - iv. A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

## **Section 8.7            Conditions**

- A. Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law. This is to ensure that public or private 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, and promoting the use of land in a socially and economically desirable manner.

- B. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

## **Section 8.8            Amendments to Site Plans**

Preliminary and final site plans may be amended in accordance with the process detailed in Article 9, Site Plan Review, Sections 9.9 and/or 9.10.

## **Section 8.9            Extension of Time Limits**

Time limits set forth herein may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

## **Section 8.10          General Provisions**

- A. **Continuing Applicability of Information on Approved Site Plans** The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a PUD district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD district shall not thereafter be developed or used except in accordance with the approved site plan and plats approved subsequent thereto.
- B. **Construction** No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot width, or under petition for, a PUD district classification, until the requirements of this Article have been met.

- C. **Performance Bonds/Performance Guarantees** A performance bond or guarantee will be required in the full amount of an agreed upon cost estimate for all public and common site improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in setting bond amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency or PUD Engineer. Performance bonds shall have been provided and approved prior to issuance of any permit. (See Section 3.8, Performance Guarantee Required)

### **Section 8.11      Development Agreement**

The Township Board may require, as a condition of approval of the PUD final site plan, that the applicant enter into a development agreement incorporating therein the terms and conditions of PUD final site plan approval, and record the same in the office of the Register of Deeds for Ingham County.

### **Section 8.12      Violations**

Violations shall be dealt with in the manner detailed in Article 3, Administration and Enforcement, Section 3.9.



## **Article 9**

### **Site Plan Review**

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#### **Section 9.1            Purpose**

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township, so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to existing development. It is the further intent of this Article to insure that developers and responsible Township officials, can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Compliance Permit and the start of construction.

#### **Section 9.2            Developments and Uses Requiring Site Plan Review**

The construction, alteration, addition, expansion, change or conversion of the following buildings, structures and uses, as well as those requiring special land use, require Site Plan Review and approval:

- A.     Mobile Home Parks.
- B.     Any principal non-residential structure permitted in residential districts; and any principal structure (except single-family residences and all farm structures) permitted in Residential districts (RC, A1, A2, R1, R2).
- C.     Any building or additions, in any commercial or industrial district (NC, LI).
- D.     More than one (1) building or structure on a lot or parcel, or combination of lots under single ownership in any of the districts named in C. above.
- E.     Any principal use of a lot in any commercial or industrial district (NC, LI), which does not involve a building, such as, but not limited to outdoor sales, outdoor displays and storage of vehicles, etc.
- F.     Public utility buildings and structures, but not including poles and towers, unless specified otherwise herein.
- G.     Any parking lot or addition thereto containing five (5) or more parking spaces when not a part of a development, or use, for which site plan review and approval is required elsewhere in this section.
- H.     All special land uses unless otherwise specified.
- I.     Other uses as required elsewhere herein.

### **Section 9.3            Role of the Zoning Administrator**

The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of, or addition to, any use until a final site plan has been approved by the Township Board and is in effect. Uses of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or be expanded until a final site plan has been approved by the Township Board and a Zoning Compliance Permit has been issued for it.

### **Section 9.4            Review of Minor Site Plans**

The Zoning Administrator may approve minor site plan applications when the change will have no effect on the movement of vehicles and persons to and from the property and will not require additional parking spaces. This is subject to the concurrence of the Township Supervisor and/or the Township's Engineering Consultant, Chairperson of the Planning Commission and the Township's Planning Consultant. Minor site plans may be applied for, for any of the following site modifications:

- A.     The proposed addition constitutes less than one thousand (1,000) square feet or not more than twenty (20%) percent of the existing floor area.
- B.     The building modification or change of use does not require additional off-street parking.
- C.     The building or site modification does not encroach upon an existing parking lot.
- D.     The building or site modification is not adjacent to a district that permits a dwelling, is zoned residential, or is currently in residential use.
- E.     A minor building or site modification will not have a significant impact upon adjoining land uses.

### **Section 9.5            Site Plan Approval Required Prior to Starting Construction or Use of Land**

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

### **Section 9.6            Preliminary Conference on Proposed Site Plan**

An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The preliminary conference should be requested either prior to or during the application process. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting. At this time the applicant may request the combining of a preliminary and final site plan, however it is in the sole discretion of the Planning Commission, in accordance with the Township Board, to grant this option, or to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

## **Section 9.7 Preliminary Site Plan Requirements**

- A. **Application** Any person may file a request for preliminary site plan approval by filing the required forms with the Township Clerk. All site plans shall contain the following to be accepted:
1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual must sign the application. If the owner(s) is not the applicant, the applicant must provide a signed statement from the owner that the applicant has permission to proceed.
  2. The application and review fees.
  3. Fourteen (14) copies of the preliminary site plan drawing(s).
  4. All items as required by Section 9.7.B, Information Required for a Preliminary Site Plan.
- B. **Information Required for a Preliminary Site Plan** Every preliminary site plan submitted under this Article shall contain information required by Township regulations for site plan review. Site Plans shall consist of an overall plan for the entire development. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet, nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission and Township Board can readily interpret the plan. Included on the preliminary site plan shall be all dimensions and the following:
1. Location (vicinity map) and description of site; dimensions and area.

2. General topography and soil information.
3. Name, address, and phone number of the property owner, applicant's name, address, and phone number, and interest in property, owner's signed consent for preliminary site plan approval, if the applicant is not the owner. (See Section 9.7.A.1)
4. Name and address of designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor, unless waived by the Planning Commission.
5. Scale, north arrow, dates of plan, dates of revisions.
6. Proposed buildings/structures: location, outline, general dimensions, distances between **buildings**, floor area, number of floors, height, floor plans and elevations, number and type of dwelling units (where applicable).
7. Location and size of open areas, recreation areas.
8. Proposed streets/drives: general alignment, right-of-way, (where applicable), surface type, and width.
9. Proposed parking: location and dimension of lots, dimensions of spaces and aisles, angle of spaces, surface type, barrier free spaces and number of spaces.
10. Existing zoning classification of property; required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.
11. Proposed grading and drainage patterns; outline of existing building/structures and drives; existing natural and man-made features to be retained or removed.
12. Adjacent land uses and zoning; location of adjacent buildings; drives/streets.
13. Location, area of development phases; building program for each phase; projected schedule of development, by phase.
14. Location and width of easements on site. Indicate the future width of right-of-ways as provided by the County Road Commission.

15. General description of proposed water, sanitary sewer, and storm water catchments and drainage systems.
16. All adjacent property owned or controlled by the applicant, or owner of the subject property.

C. **For Complete Applications** Upon receipt of a completed application and site plan by the Township Clerk:

1. The Zoning Administrator reviews the application for completeness.
2. After it is determined that the application is complete, the Clerk puts the application on the next Planning Commission meeting agenda and then may forward a copy to the Planning Consultant for review.
3. At the discretion of the Planning Commission, the application may be forwarded to any other Township consultants, in accordance with the Township Board.

D. **Preliminary Site Plan Review Standards** In reviewing a preliminary site plan the Planning Commission and Township Board shall consider the following standards:

1. That all required information has been provided.
2. That the proposed development as shown in the preliminary site plan conforms to all regulations of the zoning ordinance for the district(s) in which it is located.
3. That the applicant may legally apply for the site plan review.
4. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.
5. That the proposed development described by the site plan will be harmonious with, and not harmful, injurious, or objectionable to existing and future uses in the immediate area.
6. That natural resources will be preserved to a maximum feasible extent, and that the development as proposed will not cause soil erosion or sedimentation.
7. That the proposed development is adequately coordinated with improvements serving the subject property and other neighboring or adjacent developments.

8. That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required.
9. That organic, wet, or other soils that are not suitable for development, will be undisturbed, or will be modified in an acceptable manner.
10. That the proposed development properly respects floodways and flood plains on or in the vicinity of the subject property.
11. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

- E. **Planning Commission Review and Recommendation - Preliminary Site Plan** The Planning Commission shall study the plan and shall, within sixty (60) days of the filing date, recommend approval, approval with conditions or denial of the preliminary site plan to the Township Board. The Planning Commission may also table the preliminary site plan. The sixty (60) day time limit may be extended upon a written request by the applicant with approval by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.

Recommendation of approval of the preliminary site plan by the Planning Commission shall not bind the Township Board to approval of the same.

1. **Planning Commission – Tabling** Upon finding that the preliminary site plan does not meet the criteria set forth in Section 9.7.B and D, but could meet such criteria if revised, the Planning Commission may table action until a revised preliminary site plan is resubmitted. Upon the tabling of the preliminary site plan the applicant has one hundred eighty (180) days to submit a revised site plan to the Planning Commission. The applicant shall pay for all additional meetings. If a revised site plan is not submitted on or before one hundred eighty (180) days the site plan shall expire.

- F. **Township Board Review and Action – Preliminary Site Plan** Following the receipt of the Planning Commission's findings and recommendation, the Board shall review and make a final recommendation on the preliminary site plan.
1. **Board Action** The Township Board may table, approve, approve with conditions or deny the preliminary site plan if it does not meet the requirements set forth in Section 9.7.B. and D. Any conditions shall be resolved before the preliminary site plan is approved. If the Township Board tables the preliminary site plan, the procedure outlined in Section 9.7.F shall be followed, with the exception that the applicant shall have ninety (90) days to revise the preliminary site plan and to resubmit it before the preliminary site plan expires.
  2. **Effect of Approval by the Township Board** Approval of a preliminary site plan by the Township Board shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Township Board may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an acceptable plan is not provided, and for furnishing a performance guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Michigan "Soil Erosion and Sedimentation Control Act", Public Act 347 of 1972, MCL 282.101 et seq.
  3. **Rejection of the Preliminary Site Plan** If the preliminary site plan is rejected, the Township Clerk shall notify the applicant in writing of such action and reasons therefore, within ten (10) days following such action.
- G. **Expiration and Extension of Approvals** Approval of a preliminary site plan, by the Township Board, shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that time period. A six (6) month extension may be granted upon written request of the applicant and with approval from the Township Board. The approval of the preliminary site plan shall also expire and be of no effect one (1) year after approval of a final site plan, unless a Zoning Compliance Permit has been obtained for development shown on the approved final site plan within that time period. If a final site plan is submitted for only a part

of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Township Board may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case the Township Board may require a new preliminary site plan to be submitted, unless good cause can be shown for the delay.

## **Section 9.8 Final Site Plan Requirements**

- A. **Application** Following approval of a preliminary site plan, the applicant shall submit to the Township Clerk the following:
1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is/are not the applicant(s), the applicant(s) must provide a statement from the owner(s) that the applicant(s) has/have permission to proceed.
  2. The application and review fees.
  3. **Seven (7)** copies of the final site plan drawing(s) and other data and exhibits hereinafter required.
- B. **Information Required for a Final Site Plan** Each final site plan submitted for review shall provide the following information and shall meet the following specifications, where applicable:
1. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such detail that the Planning Commission can readily interpret the plan. More than one (1) drawing shall be included as part of a final site plan where required by the Planning Commission for clarity.
  2. Scale, north arrow, name and date of plan; date of any revisions thereto.
  3. Name, address, and phone number of the property owner and applicant; interest of applicant in property, name, address, and phone number of the developer.
  4. Name, address, and phone number of the designer. A detailed site

plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor, unless waived by the Township Planning Commission.

5. A vicinity map; legal description of site; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor, and shall correlate with the legal description.
6. Existing topography (contour interval of two (2) feet); all existing natural features, including but not limited to trees, soils types, wooded areas, streams, marshes, ponds and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, not a part of a group of trees, are to be accurately located on the plan.
7. Existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed and any applicable deed restrictions.
8. Owner, use, and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, other improvements on adjacent properties.
9. Name of existing streets, on or adjacent to the property, and associated rights-of-way as designated by either Bunker Hill Township's or the County Road Commission's adopted right-of-way requirements, surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.
10. Zoning classification of the subject property; location of required yards; total site area and floor area; total ground floor area and lot coverage (percent); floor area ratio.
11. Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.

12. Location and exterior dimensions of all proposed buildings and structures, location to be referenced to property lines or to a common base point; distances between buildings; height in feet, and number of stories; finished floor elevations and contact grade elevations.
13. Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross section of same showing surface, base, and sub-base materials, dimensions, and slopes; location and typical details of curbing; turning lanes (where applicable) with details; location, width, surface elevations and grades of all entries, exits and curve-radii.
14. Location and dimensions of proposed parking lots; number of spaces in each lot; barrier free spaces; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials and angle of spaces.
15. Location, width, and surface of proposed sidewalks and pedestrian ways.
16. Location, use, size and proposed improvements of open spaces and recreation areas; maintenance provisions for such areas.
17. Location and type of proposed screens, fences or berms; height, typical elevation and vertical section of screens, showing materials and dimensions.
18. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosure, showing materials and dimensions and screening thereof.
19. Location, type, size, area, height, and sketch of proposed signs.
20. At the discretion of the Planning Commission, final engineering drawings for all site improvements such as but not limited to, water, sanitary sewer and storm sewer systems; streets, drives, and parking lots, retention ponds and other ponds or lakes; retaining walls; shall be submitted to and approved by the Township's Engineering Consultant prior to the Planning Commission's recommendation to the Township Board on the final site plan. A letter of approval for on-site water and sewer facilities by the County Health Department shall also be submitted prior to Planning Commission's recommendation.

For all existing and proposed features listed above, indicate: Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed utilities; location and size of retention ponds and degrees of pond side slope, calculations for sizing of storm drainage facilities; location of electric and telephone poles and wires; location and size of surface mounted equipment for electric and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields, if on-site facilities are to be used.

21. Landscape plan showing location and size of plant materials.
22. Description of measures to control soil erosion and sedimentation during grading and construction operations, until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.
23. Location of proposed retaining walls, and dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
24. Location, type, direction, and intensity of outside lighting.
25. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to the Planning Commission's recommendation on the final site plan.
26. Construction Schedule.
27. All items as required by Section 9.7.B. Information Required for a Preliminary Site Plan.
28. Additional Requirements for Residential Developments.
  - a. Density calculations by type of unit and/or by bedroom counts.
  - b. A complete schedule of the number, site, lot area per dwelling unit and type of dwelling units.
  - c. Carport and/or garage locations and details where proposed.
  - d. Specific amount and location of recreation spaces.

- e. Type of recreation facilities to be provided in recreation space.
- f. Details of Community Building and fencing of swimming pool if proposed.

29. Additional Requirements for Commercial and Industrial Developments.

- a. Loading/unloading areas.
- b. Total and usable floor area.
- c. Number of employees at peak usage.

C. **For Complete Applications** Upon receipt of a completed application for a final site plan by the Township Clerk:

- 1. The Zoning Administrator reviews the application for completeness.
- 2. After it is determined that the application is complete, the Clerk puts the application on the next Planning Commission meeting agenda and may forward a copy to the Township Planning Consultant for review.
- 3. At the discretion of the Planning Commission and in accordance with the Township Board, the application may be forwarded to any other Township consultants.

D. **Standards for Review** In reviewing a final site plan, the Planning Commission and the Township Board shall ascertain whether the proposed final site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

- 1. **Preservation of Natural Environment** Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.
- 2. **Relations of Proposed Land Building and Structural Uses to Environment** Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and

structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.

3. **Drives, Parking and Circulation** Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely effect the design of proposed land, buildings and structures and adjacent and surrounding development areas.
4. **Surface Water Drainage** Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If necessary, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.
5. **Utility Service** Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.
6. **Advertising Features** The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article 14, Sign Regulations.
7. **Special Features** Exposed storage areas, exposed machinery installations, service areas, truck loading/unloading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being inconsistent with the existing natural and developed environment of adjacent and surrounding properties.
8. **Additional Requirements** All other standards and requirements of this Article must be met. In addition, the Planning Commission

and the Township Board shall determine whether the plan meets the following specifications and standards.

- a. That the final site plan conforms to the preliminary site plan, as approved.
- b. That all required information is provided.
- c. That the plan complies with all applicable zoning ordinance regulations.
- d. That the plan, including all engineering drawings, meets specifications of the Township for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services.
- e. That the proposed development will not cause soil erosion or sedimentation problems.
- f. That the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.
- g. That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
- h. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- i. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- j. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
- k. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
- l. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.

**E. Planning Commission Review and Recommendation - Final Site Plan**

1. **Planning Commission Review and Recommendation - Final Site Plan** The Planning Commission shall study the final site plan and shall within sixty (60) days of the filing date, if the submitted application is complete, recommend approval, approval with conditions or denial of the final site plan to the Township Board. The Planning Commission may recommend reasonable conditions, changes, or modifications to the proposed site plan as needed. The Planning Commission may also table the final site plan. The Planning Commission shall include in its study of the site plan, at its discretion, consultation with any of the following, in accordance with the Township Board: the Township Zoning Administrator, the local Fire Chief, the Engineering Consultant and Planning Consultant, and other government officials and departments and public utility companies that might have an interest in or be affected by the proposed development. At the discretion of the Planning Commission, the Engineering Consultant shall approve all engineering drawings and plans, before a final site plan shall be approved.
2. **Planning Commission – Tabling** Upon finding that the final site plan does not meet the criteria set forth in Section 9.8.B. and D. but could meet such criteria if revised, the Planning Commission may table action until a revised Final Site Plan is resubmitted. Upon the tabling of the site plan the applicant has ninety (90) days to submit a revised final site plan to the Planning Commission. The applicant shall pay for all additional meetings. If a revised site plan is not submitted on or before ninety (90) days, the final site plan shall expire.

**F. Township Board Review and Action - Final Site Plan** Following the receipt of the Planning Commission's findings and recommendation, the Township Board shall review and make a final recommendation on the final site plan.

1. **Board Action** The Township Board may table, approve, approve with conditions or deny the final site plan if it does not meet the requirements set forth in Section 9.8.B. and D. Any conditions shall be resolved before the final site plan is approved.
2. **Following Approval** Upon the Township Board's approval of a final site plan, the applicant and owner(s) of record, or a legal representative thereof, and the Township Clerk shall each sign four

(4) copies of the approved site plan. The Township Clerk shall transmit two (2) such signed copies of the approved final site plan, and any conditions attached to such approval, to the Zoning Administrator and one (1) to the applicant. The Township Clerk shall attach a certificate of approval to the copy to be sent to the applicant. One (1) signed copy shall be retained in the Township's files.

3. **Effect of Approval** Approval of a final site plan authorizes issuance of a Zoning Compliance Permit by the Zoning Administrator. Approval of the final site plan shall expire and be of no effect after six (6) months following approval by the Township Board unless a Zoning Compliance Permit is applied for and granted within that time period. Approval of the final site plan shall expire and be of no effect one (1) year following the date of issuance of a Zoning Compliance Permit unless authorized construction has begun on the property in conformance with the approved final site plan.
4. **Rejection of the Final Site Plan** If the final site plan is rejected, the Township Clerk shall notify the applicant in writing of such action and reasons therefore, within ten (10) days following such action.

## **Section 9.9           Amendment of an Approved Site Plan**

A site plan may be amended upon application. Minor changes to a preliminary or final site plan may be incorporated without amendment to the approved preliminary or final site plan, at the discretion of the Township Board. The Township Board shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

## **Section 9.10       Modification during Construction**

Amendments to an approved final site plan may occur during construction only under the following circumstances:

- A. An applicant or property owner who has been granted approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Township Board that the proposed revision does not alter the basic design, compliance with the standards herein, nor any specified conditions of the plan as agreed upon by the Township Board. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:

1. For residential buildings, the size of structures may be reduced, provided that the overall density of units does not increase.
  2. Square footage of non-residential buildings may be decreased.
  3. Change of building height may be altered by up to five (5%) percent, but in no case exceed height limitations.
  4. Movement of a building or buildings by no more than five (5) feet provided required setbacks are met.
  5. Designated "Areas not to be disturbed" may be increased.
  6. Plantings approved in the final site plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one (1) to one (1) or greater basis.
  7. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  8. Changes in floor plans, which do not alter the character of the use.
  9. Slight modification of sign placement or reduction of size.
  10. Relocation of sidewalks and/or refuse storage stations.
  11. Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design. This shall assume that all parking regulations are met.
  12. Changes required or requested by the police department or local fire department for safety reasons, which do not affect site layout, shall be considered a minor change.
- C. Should the Zoning Administrator determine that the requested modification to an approved plan is not minor; the Township Board shall be notified in writing that the site plan has been suspended, and, if construction has been initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the final site plan; and submit it to the Zoning Administrator for re-submission to the Township Board.

- D. Should the Township Board determine that the modifications to the site plan significantly alters the intent of the site plan; a new submittal shall be required in accordance with final site plan review, Section 9.8.
- E. The above approval of minor change shall not apply to site plans approved as part of a special use permit or site plans associated with a Planned Unit Development (PUD).

### **Section 9.11      Phasing of Development**

The applicant may divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

### **Section 9.12      Inspection**

- A. All sub-grade improvements, such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The Zoning Administrator shall obtain inspection assistance from the local Fire Chief and the Engineering Consultant, where applicable. The applicant shall be responsible for requesting the necessary inspections.
- B. The Zoning Administrator shall notify the Township Board in writing when a development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan. The Zoning Administrator shall advise the Board of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Board of progress towards compliance with the approved final site plan, and when compliance is achieved.
- C. Fees for the inspection shall be covered by the fee schedule as established by the Township Board so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

### **Section 9.13        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.

### **Section 9.14        Performance Guarantees (Also see Section 38 Performance Guarantee Required)**

- A. Performance bonds, irrevocable bank letters of credit, certificate of deposit, cash deposits, or other forms of security payable to the Township shall be provided by the applicant to the Township Clerk. The guarantee shall be provided after a final site plan is approved but prior to issuance of a certificate of occupancy for any building covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate of occupancy. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and the Township Engineer shall verify such estimate as to amount. The Township Attorney may approve the form of the guarantee.
- C. If the applicant fails to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall have the authority to have such work completed. The Township Board may reimburse itself for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant and Zoning Administrator, in accordance with the Township Board, may decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E. The Zoning Administrator may refuse to sign a certificate of occupancy in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of occupancy shall be signed by the Zoning Administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

## **Section 9.15      As-Built Drawings**

- A.     The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines or detention and/or retention areas and all appurtenances, which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the building official, and shall be approved by the Engineering Consultant prior to the release of any performance guarantee or part thereof covering such installation.
- B.     The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses, depth and slopes of retention basins; and location and type of other utility installations. If required by the Township's Engineering Consultant the drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C.     If required by the Township's Engineering Consultant, the as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

## **Section 9.16      Violations**

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance. (See Section 3.9, Enforcement)

## **Article 10**

### **Non-Conforming Lots, Uses, and Structures**

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#### **Section 10.1      Intent**

Certain existing lots, structures and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such non-conformities to remain until they are discontinued or removed, ~~but not to encourage their survival~~ or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various Districts.

#### **Section 10.2      Non-Conforming Lots**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

#### **Section 10.3      Non-Conforming Uses of Land**

Where, at the effective date of adoption or amendment of this Ordinance, prior lawful use of land exists that is made no longer permissible under the terms of the Ordinance

as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If such non-conforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.

#### **Section 10.4 Non-Conforming Structures**

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

- A. No such structure may be enlarged or altered in a way which increases its non-conformity.  
  
Should such structure be damaged by any means to an extent of more than fifty (50%) percent of replacement value at the time of the damage, as determined by the Assessor, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **Section 10.5 Non-Conforming Uses of Structures and Land**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed. Section 10.4 of this section shall apply to any non-conformity relating to structure(s).
- D. If such non-conforming use of land and structures ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempt from this provision only so long as each seasonal use shall continue.
- E. If no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

**Note:** Where a non-conforming use status applies to a structure and/or premises in combination, removal, or destruction of the structure shall eliminate the non-conforming use status of the land.

## **Section 10.6 Repairs and Maintenance**

Repair and maintenance work may be performed on any building devoted in whole or in part to any non-conforming use. The work will be limited to ordinary repairs, or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the replacement value of the building as determined by the Assessor at the time such work is done. The cubic foot content of the building, as it existed at the time of adoption of this Ordinance, shall not be increased.

A non-conforming structure, non-conforming portion of a structure, or a structure containing a non-conforming use which is physically unsafe or unlawful due to lack of repairs and maintenance, as determined by the Building Inspector may be restored to a safe condition. Where enlargement or structural alternation is necessary to allow compliance with health and safety laws or ordinances, the cost of such work shall not exceed twenty-five (25%) percent of the structure's fair market value, as determined by the Assessor at the time such work is done. The cubic foot content of the building, as it existed at the time of adoption of this Ordinance, shall not be increased.

## **Section 10.7 Uses Allowed As Special Approval Uses, Not Non-Conforming Uses**

Any use for which special approval is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall, without further action, be deemed a conforming use in such district.

## **Section 10.8 Change of Tenancy or Ownership**

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

## **ARTICLE 11**

### **SITE CONDOMINIUMS**

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#### **Section 11.1 Purpose**

The purpose of this section is to set forth the standards for review of site condominiums or condominium subdivisions in all Zoning Districts, to provide for adequate standards for the master deed, deed restrictions, utility systems, public roads, site layout and design, and to achieve compliance with all regulations of the condominium act and this ordinance.

#### **Section 11.2 Definitions** (Note: The following definitions also appear in Article 2, Section 2.2, Definitions.)

- A. **Condominium Documents** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws, which affects the rights and obligations of a co-owner in the condominium.
- B. **Condominium Lot** 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.
- C. **Condominium Subdivision Plan** The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- D. **Condominium Unit** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **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 final amended master deed fully describes the condominium project as completed.
- F. **Contractible Condominium** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
- G. **Expandable Condominium** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
- H. **General Common Elements** A general common element means and includes: elements of the condominium project owned in common by all co-

owners and intended for common use or necessary to the existence, upkeep and safety of the project.

- I. **Limited Common Elements** Limited common elements means and includes those common elements which are reserved in the master deed for the exclusive use of less than all of the co-owners.
- J. **Master Deed** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- K. **Notice of Proposed Action** The notice required by Section 71 of the Condominium Act, to be filed with Bunker Hill Township and other agencies.
- L. **Site Condominium** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.
- M. **Conversion Condominium** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.

### **Section 11.3      Approval Required**

Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums or condominium subdivisions shall be approved according to the process and provisions outlined in Article 9, Site Plan Review.

- A. In determining whether to recommend approval or to approve a site plan for a site condominium, the Planning Commission and/or Township Board may consult with the Zoning Administrator, Township Attorney, Township Engineer, and Township Planner and others as deemed appropriate regarding the adequacy of the master deed, deed restrictions, utility systems and roads, site layout and design, and compliance with all requirements of the Condominium Act and this ordinance.
- B. No construction, grading, work, or other development shall be done on a site until a final site plan has been approved, except with the permission of the Township Board. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan

thereof has been approved by the Township Board and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.

- C. If a building, structure, or use to be placed on a condominium lot, which requires site plan approval under Article 9, Site Plan Review, herein, a site plan for that building, structure, or use shall be approved before a certificate of zoning compliance may be issued.
- D. Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with Article 9, Site Plan Review, provided however that preliminary and final site plans shall not be combined for site condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the County Register of Deeds.

#### **Section 11.4      General Requirements**

- A. The provisions of Article 9, Site Plan Review, shall also apply to all Site Condominiums processed under this Article except where the provisions are in conflict with Public Act 59 of 1978, as amended, "The Condominium Act," in which case(s) the provisions of this Article and The Condominium Act shall prevail.
- B. Each condominium unit shall be located within a zoning district that permits the proposed use.
- C. Each condominium lot shall front on and have direct access to a public road.
- D. For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. Required yards shall be measured from boundaries of a condominium lot.
- E. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD district.
- F. Each condominium lot shall be connected to public or private water and sanitary sewer facilities, where available, or shall have a well, septic tank, and drain field approved by the County Health Department, where public water and sanitary sewer services are not available. The well, septic tank, and drain field serving a condominium lot shall be located within that lot, as described in the master deed, except in a PUD district, in which this

requirement may be waived by the Township Board as a part of its approval of the PUD rezoning petition/application.

- G. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- H. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- I. All information required by this ordinance shall be updated and furnished to the Zoning Administrator until applicable certificates of zoning compliance have been issued.

## **Section 11.5 Preliminary Site Plan Requirements**

A preliminary site plan shall be filed, with the Township Clerk, for review at the time a Notice of Proposed Action is filed with Bunker Hill Township. However, no action is to be taken until the Planning Commission and Township Board review the site plan drawings in accordance with Article 9, Site Plan Review. The preliminary site plan shall conform to the following processes and provisions.

- A. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
- B. The preliminary site plan shall include all information required in Section 9.7.B of Article 9, Site Plan Review, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots and all required yards, rather than individual buildings, shall be shown on the preliminary site plan.
- C. All items required in this Article are to be completed and presented at the time of the preliminary site plan submission.
- D. The preliminary site plan shall follow the review process as outlined in Article 9, Site Plan Review, Section 9.7, Preliminary Site Plan Requirements

## **Section 11.6      Final Site Plan Requirements**

A final site plan shall be filed with the Township Clerk for review for each phase of development shown on the approved preliminary site plan.

- A. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Township Board, and all, if any conditions of approval have been resolved.
- B. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Section 9.8 of Article 9, Site Plan Review, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application. The location and dimensions of condominium lots rather than individual buildings, and required yards shall be shown on the final site plan.
- C. In addition to the final site plan, the Condominium Documents shall be submitted to the Township for its review. The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the Township including: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common areas; and maintenance of stormwater, sanitary, and water facilities and utilities.
- D. The applicant shall also submit engineering plans in accordance with applicable design standards for construction of the project.
- E. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Environmental Quality. The Planning Commission shall not recommend approval of a final site plan until all County and State agencies required to review the condominium subdivision plan have approved the condominium subdivision plan.
- F. If the final site plan, Condominium Documents, and engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be recommended by the Planning Commission to the Township Board.
- G. If the site plan, Condominium Documents or engineering plans fail to conform, or if all applicable approvals are not provided, the Planning

Commission shall recommend denial of the site plan to the Township Board.

- H. The Planning Commission shall transmit its recommendation and all information and reports to the Township Board to aid it in making its final determination on the final site plan.
- I. In the interest of ensuring compliance with this Ordinance and protecting the health, safety and welfare of the residents of the Township, the Township Board, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in Section 3.8, Performance Guarantee Required, herein, for the completion of improvements associated with the proposed use.
- J. In addition to the above review outline for a final site plan in paragraphs A, through I., all processes and provisions contained in Section 9.8 Final Site Plan Requirements shall apply unless in conflict with the Condominium Act, Act 59 of 1978, as amended.

## **Section 11.7 Roads**

Roads within a site condominium shall be dedicated as public roads to the County Road Commission and shall be developed to the design, construction, inspection, approval and maintenance requirements of the County Road Commission. Each condominium lot shall have frontage abutting a public road as required by the regulations of the particular zoning district in which the condominium lot is located.

## **Section 11.8 Relation of Subdivision Control Ordinance**

All site condominiums shall conform to the plan preparation requirements, design, layout, improvement standards, and the financial guarantee requirements of the Bunker Hill Township Subdivision Control Ordinance, as amended from time to time, all of which are incorporated herewith by reference. The standards and requirements of the Subdivision Control Ordinance including the financial guarantees which apply to lots in a subdivision shall also apply to condominium lots. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Control Ordinance or the Land Division Act.

## **Section 11.9 Development Agreement**

The Township Board may require, as a condition of approval, that the applicant enter into a development agreement with the Township of Bunker Hill, incorporating the terms and conditions of final site plan approval, and record the same in the Office of the Register of Deeds for Ingham County.

### **Section 11.10      Association Authorization**

Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

### **Section 11.11      Monuments**

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. No building permits shall be issued until monuments are set.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Bunker Hill Township Clerk cash, a certified check, or an irrevocable bank letter of credit to Bunker Hill Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Bunker Hill Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

### **Section 11.12      Easements and Rights-of-Way**

Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way shall be for roadway purposes and for the purposes of locating installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the appropriate public authority for all public water, sanitary sewer and storm sewer or drainage lines and appurtenances.

### **Section 11.13      Design Specifications**

All improvements in a site condominium shall comply with the design specifications as adopted by the Bunker Hill Township Board and any amendments thereto.

### **Section 11.14      Revision of Condominium Subdivision Plan**

If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and recommendation of approval or denial by the Planning Commission to the Township Board. The Township Board shall approve any revisions before any building permit may be issued, where such permit is required.

### **Section 11.15      Amendment to Master Deed or Bylaws**

Any amendment to a master deed or bylaws that affect the approved preliminary or final site plan or any conditions of an approval of a preliminary or final site plan shall be reviewed by the Township Board before any building permit may be issued, where such permit is required. The Township Board may require review of an amended site plan in accordance with this Article and/or Article 9, Site Plan Review, if in their opinion such changes in the master deed or bylaws require corresponding changes in either the approved preliminary or final site plan.

### **Section 11.16      Information Required Prior to Occupancy**

Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Township Clerk:

- A.      A copy of the recorded Condominium Documents (including exhibits).
- B.      A copy of any recorded restrictive covenants.
- C.      A copy of the approved site plan.
- D.      Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey.

## **ARTICLE 12**

### **ENVIRONMENTAL PROVISIONS**

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#### **Section 12.1      Purpose**

Environmental standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied 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. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.

#### **Section 12.2      Landscaping, Greenbelts, Buffering, and Screening** (This section only pertains to development)

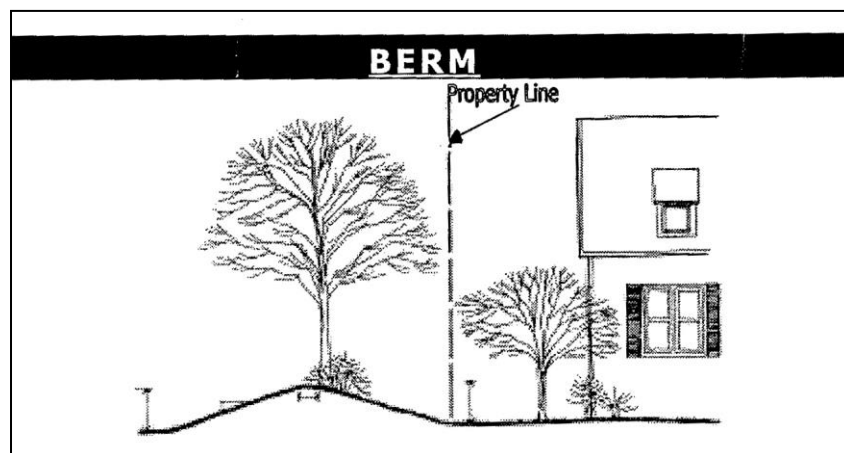
**Definition Development:** "When used to describe a planned land use for the purpose of providing multiple dwellings or spaces for such dwelling for the purpose of commercial profit will be defined as just that. Does not pertain to the individual or singular private residence". (Only pertains to development)

- A. **Intent** The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the Township by requiring landscaping for each development for which site plan, site condominium and subdivision plat review is required. It is further the intent of this section to achieve the following throughout all zoning districts:
1. Minimize noise, air, and visual pollution, water and soil.
  2. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
  3. Require buffering of residential areas from more intense land uses and public and private road rights-of-ways and easements for ingress and egress.

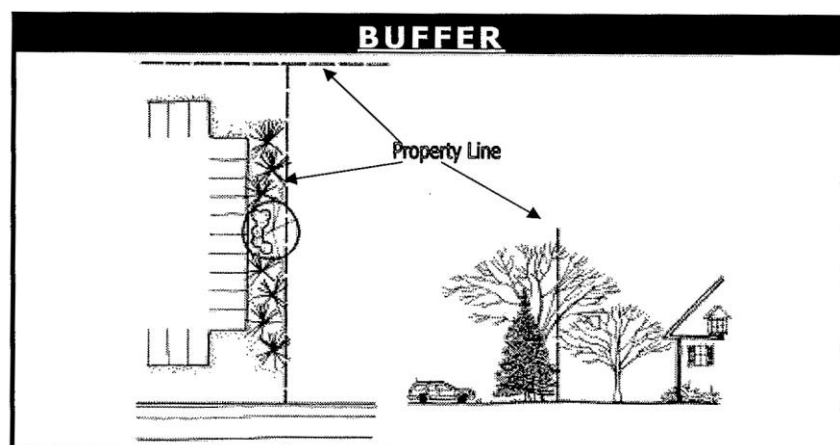
4. Prevent soil erosion and soil depletion and promote sub-surface water retention.
5. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
6. Encourage the integration of existing woodlands in landscape plans.
7. Protect and preserve the appearance, character, and value of the community.

B. **Definitions** The following definitions shall apply in the application of this Ordinance:

1. **Berm** A landscaped mound of earth that blends with the surrounding terrain.



2. **Buffer** A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.





3. **Conflicting Non-Residential Land Use** Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
  4. **Conflicting Residential Use** Any residential land use developed at a higher density that abuts a residential land use developed at a lower density.
  5. **Greenbelt** An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area. For zoning purposes a greenbelt is a landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
  6. **Opacity** The degree of being impervious or obscure to light and sight.
  7. **Plant Material** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.
- C. **Application of Requirements** These requirements shall apply to all uses for which site plan review is required under Article 9, Site Plan Review, of this Ordinance, including site condominium and subdivision plats reviewed as required under the Subdivision Control Ordinance.

No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein. The Township may require a Performance Guarantee prior to approval.

- D. **Landscape Plan Requirements** A separate detailed landscape plan shall be required to be submitted to the Planning Commission as part of the site plan review, site condominium review and subdivision plat review process. The landscape plan shall demonstrate that all requirements of this Section are met and shall include, but not necessarily be limited to, the following items:
1. Location, spacing, size, and root type bare root (BR) or balled and burlapped (BB) and descriptions for each plant type proposed for use within the required landscape area.
  2. Minimum scale shall be 1" = 50' for property less than three acres or 1" = 100' for property for three acres or larger.

3. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.
4. Typical straight cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of walls, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.
9. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

**E. Landscape Standards**

1. **Installation** All landscaping shall be installed in a manner consistent with accepted planting procedures and the approved landscape development plan. This shall include quantity, size, type and location of plantings proposed. In general, major deviations as to quality, type, size and location of plant materials from the original approved landscape development plan shall require submission and approval in the same manner as provided in this article for the original submission.
2. **Material**
  - a. All plant material shall:
    - i. Conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurseryman, Inc., and approved by the American National Standards Institute, Inc.

- ii. Be typical of their species or variety, have normal habit of growth, well branched and densely foliated when in leaf.
  - iii. Be of sound health and vigorous in appearance, free from disease, insect pests, eggs or larvae and shall have healthy, well developed root systems.
  - iv. Be freshly dug and nursery grown.
  - v. Be chosen according to soil, climatic conditions and environmental factors for the proposed development.
- b. Trees shall have straight trunks with leaders intact, undamaged and uncut.
- c. The following trees, because of various problems, shall not be considered as being of a desirable quality, and therefore shall, in most cases, not be permitted. This does not preclude the use of existing trees if it can be shown that the removal of the tree would result in a substantial loss of screening and/or buffering of adjacent lands or public rights-of-way.

| <b>TREES NOT PERMITTED</b> |                   |
|----------------------------|-------------------|
| Acer negundo               | Box Elder         |
| American Elm               | American Elm      |
| Aesculus varieties-        | Horse Chestnut    |
| Populus varieties-         | Poplar Varieties  |
| Salix varieties            | Willow Varieties  |
| Catalpa varieties          | Catalpa Varieties |
| Ailanthus altissima        | Tree of Heaven    |
| Fraxinus                   | Ash               |

- d. Lawn areas shall be planted in species of grass normally grown as permanent lawns in south-central Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.

- e. Ground covers used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance and reasonably complete after one complete growing season.
- f. Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one full planting season. Where plants are to be used as a hedge for screening purposes, the maximum spacing will have to be determined by the plant proposed.
- g. Minimum sizes of plant material.
  - i. Deciduous Shade Trees: Deciduous trees shall have a minimum caliper of two (2) and one-half (1/2) to three (3) inches, twelve (12) inches above ground level, at the time of planting.
  - ii. Deciduous Small Ornamental Trees: Small ornamental trees shall be a minimum of seven (7) feet in height at time of planting.
  - iii. Evergreen Trees: Evergreen trees shall be a minimum of seven (7) feet in height at time of planting.
  - iv. Shrubs: Shrubs shall be a minimum of two (2) feet in height at the time of planting or two (2) feet in spread if plants are low spreading evergreens.
  - v. Vines: Vines shall be a minimum of thirty (30) inches in length after one (1) growing season and may be used in conjunction with fences, screens, or walls to meet buffer requirements.
- h. Artificial plant material shall be prohibited.

- 3. **Maintenance** The owner of the property shall be responsible for all maintenance thereon. Landscaping shall be kept in neat and orderly manner, free from debris and refuse. All dead plant material shall be removed and replaced within one (1) year after it dies.

The approved landscape development plan shall be considered a permanent record and integral part of the Site Plan Approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to, or removal of plant materials will place the parcel in non-conformity with the originally approved landscape development plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of the Final Site Plan Approval.

The developer, at the time of submission of the Final Site Plan Approval, shall demonstrate to the Planning Commission that adequate provisions have been made to supply water to all landscape areas. This may be accomplished by installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape areas where specified.

The Township may require a contract for the maintenance of all landscape areas.

#### **F. Screening Between Land Uses**

1. For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a parcel that is in residential use, or a zoning district that permits residential uses, an obscuring wall, screening fence or landscape barrier, at the discretion of the Planning Commission, having a minimum height of six (6) feet, unless a greater or lesser height is specified elsewhere in this Ordinance.

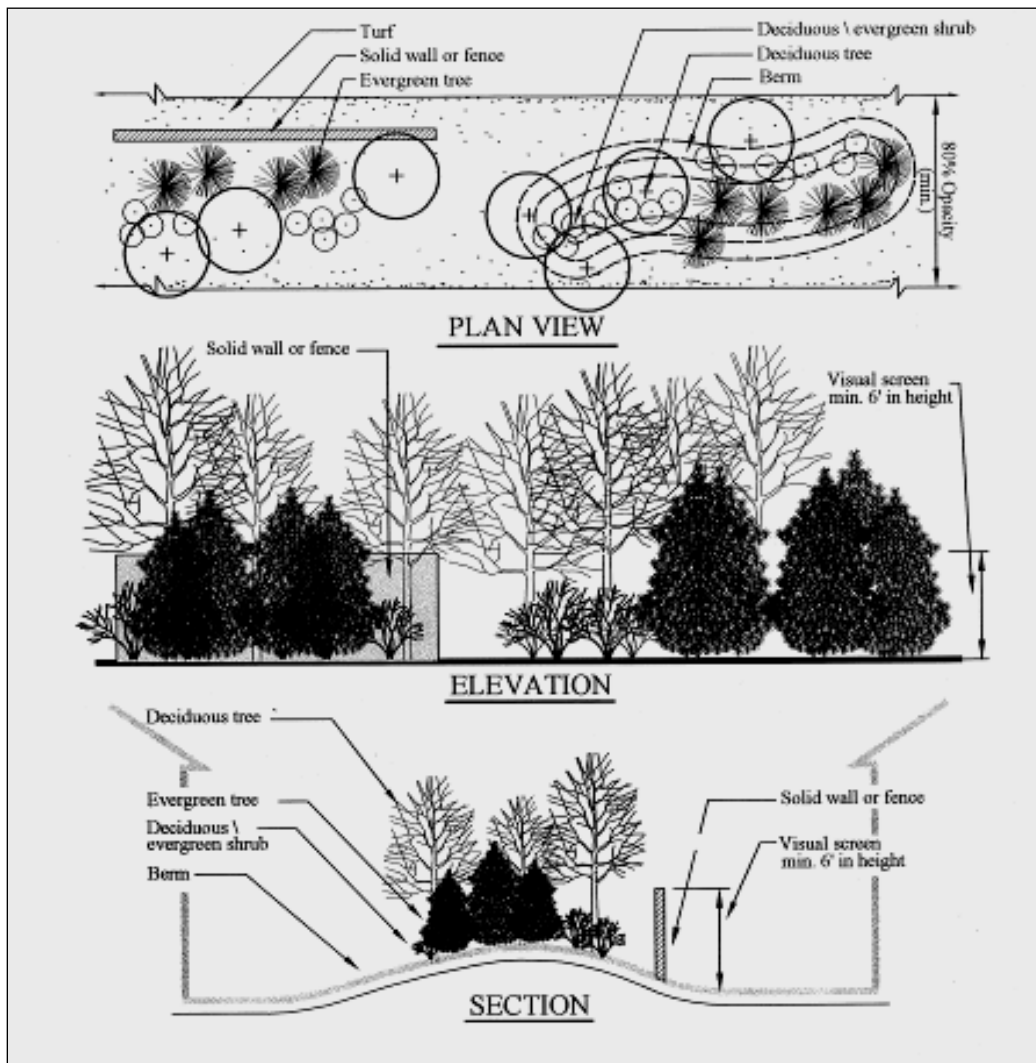
| <b>USE</b>                                                                                                                                                                                                                                                                                                                | <b>MINIMUM VERTICAL HEIGHT REQUIREMENTS</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| All NC, Neighborhood Commercial uses adjacent to A1, A2, R1, and R2 Districts, or any parcel in residential use.                                                                                                                                                                                                          | Six (6) feet                                |
| All LI, Light Industrial uses adjacent to A1, A2, R1, and R2 Districts, or any parcel in residential use.                                                                                                                                                                                                                 | Six (6) feet                                |
| Other institutional, non-residential uses permitted either as permitted or special in a zoning district that permit residential uses, parks, schools, libraries, municipal facilities, or utility buildings, sub-stations and the like adjacent to the RC, A1, A2, R1 and R2 Districts, or any parcel in residential use. | Six (6) feet                                |

2. Required walls or fences shall be located at the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Landscape screen barriers shall be located ten (10) feet from the lot line (See Section 6.9, Fences, Walls and Screens), except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.
3. Such walls, fence or landscape barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. Landscape barriers shall maintain a minimum opacity of at least eighty (80%) percent year round. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above established grade of the area to be concealed and the top or the highest point of the required screen. Required opacity shall be achieved within three (3) years of the time of planting. The applicant shall agree in writing to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required.
4. All walls and screen barriers herein required shall be constructed in one (1) of the following manners, however the Planning Commission will determine when, in its opinion, a wall, screening fence, planting strip, and/or landscape berm as distinct from a wall will be required.
  - a. A solid wall shall be constructed of brick or poured concrete panels using a brick pattern form. The solid wall shall be located at the property line with a planting strip six (6) to eight (8) feet wide abutting the base and on the interior side of the wall. The planting strip shall have a minimum of two (2) and a half (1/2) inches caliper deciduous shade trees planted thirty (30) feet on center.
  - b. A screening mound or berm shall consist of the minimum specified height with a side slope no steeper than 3:1 (three (3) foot horizontal to one (1) foot vertical). The top of all berms shall have a level horizontal area of at least three (3) feet in width.

The mound or berm shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded, and mulched, or planted. Included, as part of the mound or berm shall be deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area.

- c. Evergreen screens shall consist of seven (7) foot spruce, fir or pine trees planted ten (10) to fifteen (15) feet on center, in two (2) staggered rows ten (10) feet apart. Arborvitae shall be planted no more than five (5) feet apart in staggered rows. Other evergreen plant material may be considered providing that it will provide, in the opinion of the Planning Commission, the same screening effect.

## SCREENING BETWEEN LAND USES



5. The Township Board may waive or modify the foregoing requirements, where cause can be shown that no good purpose would be served and that the waiver or modification would neither be injurious to the surrounding neighborhood nor contrary to the spirit and purpose of this section.

**G. Parking Lot Landscaping Requirements**

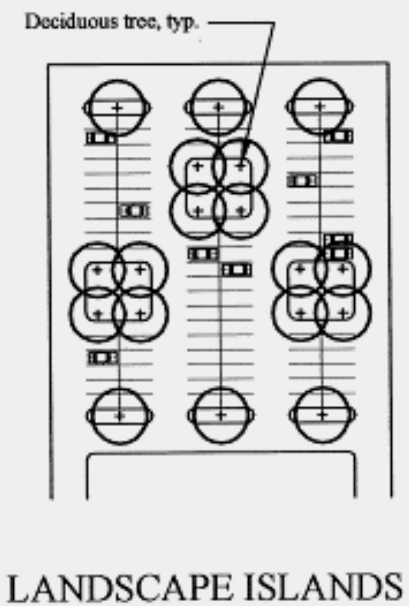
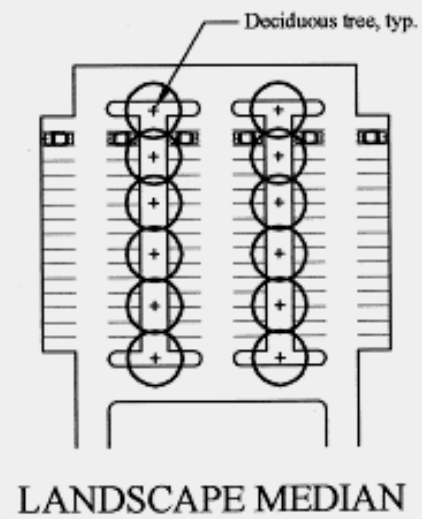
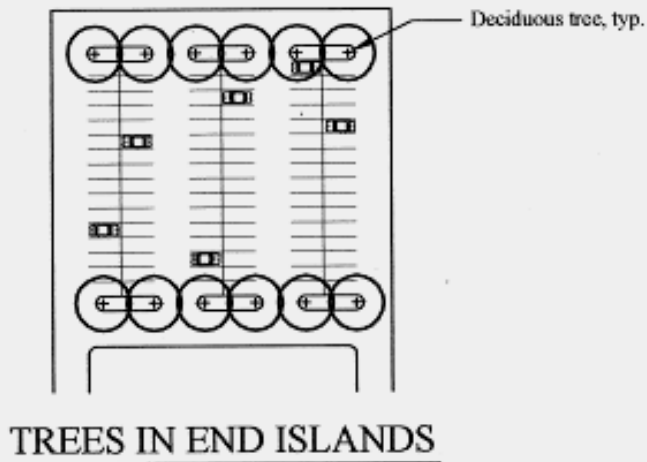
1. **Required Landscaping Within Parking Lots** Separate landscape areas shall be provided within parking lots in accordance with the following requirement. There shall be a minimum of one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the back side of the curb or edge of the pavement or curb blocks.

Separate landscape islands shall be required within parking lots of twenty four (24) spaces or greater. No more than a row of twenty-four (24) spaces is permitted without an island. Where the size configuration of the parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the Planning Commission may approve alternative landscaping along the parking lots perimeter.

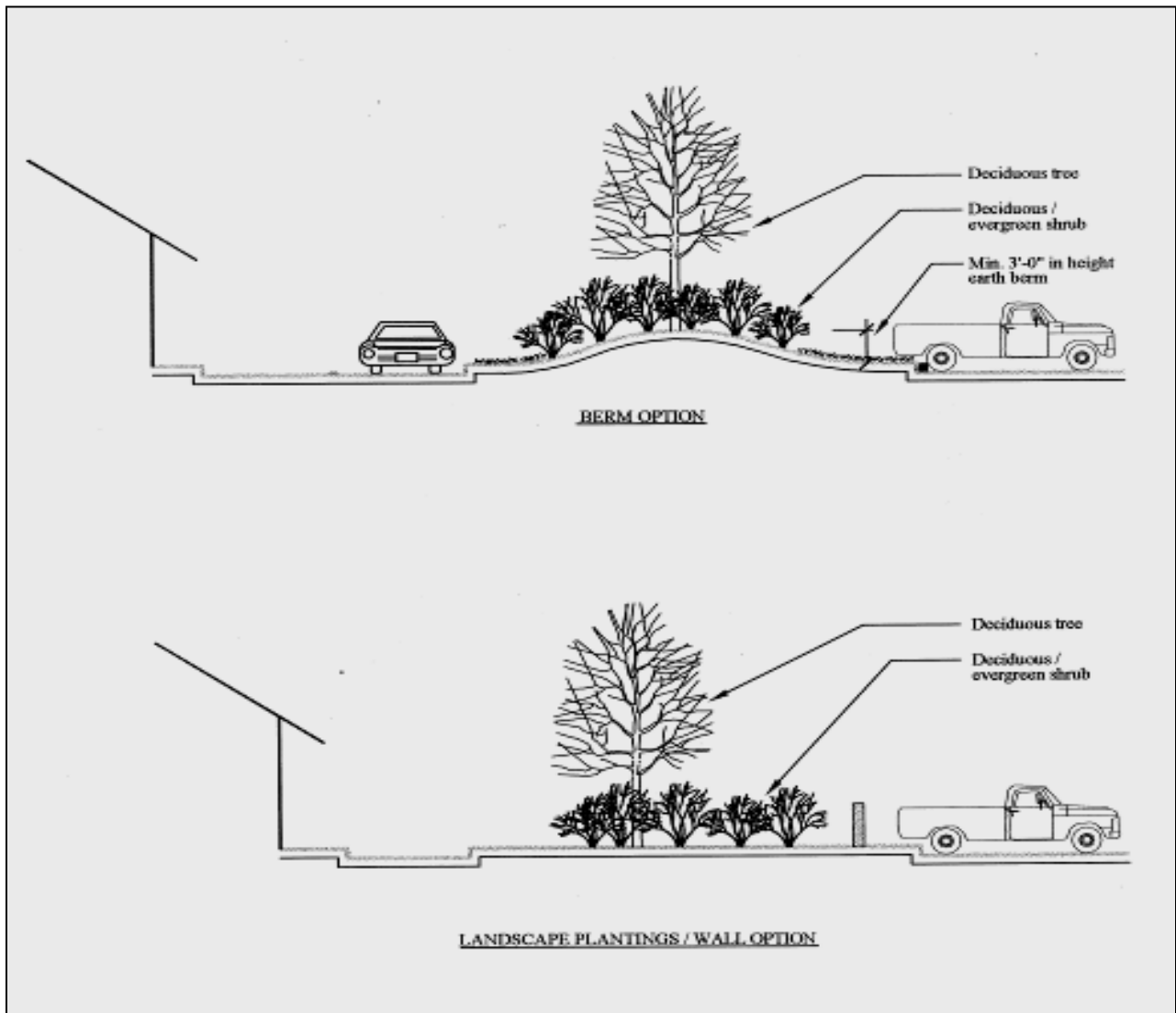
2. **Required Landscaping at the Perimeter of Parking Lots** Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:
  - a. Parking lots that are considered to be a conflicting land use as defined by this Section shall meet the applicable screening requirements set forth in Section 12.2.F.
  - b. Parking lots, which are visible from a public road, shall be screened from view with a landscaped berm varied in height from between two (2) and three (3) feet along the perimeter of those sides, which are visible. The berm shall be planted with one (1) deciduous or evergreen tree and six (6) deciduous or evergreen shrubs for every thirty (30) feet, or major portion thereof. The Planning Commission, at its discretion, may approve alternative landscaping plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.

- c. A minimum of three (3) foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.

## **PARKING LOT LANDSCAPING: INTERIOR**



## PARKING LOT LANDSCAPING: PERIMETER



H. **Greenbelts** A greenbelt shall be provided, and is an area established at a depth of the required front yard setback, within a zoning district and landscaped in accordance with the following requirements:

1. The greenbelt shall be landscaped with a minimum of one (1) deciduous or one (1) evergreen tree, plus six (6) deciduous and/or evergreen shrubs for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Non-ornamental deciduous shade trees within a greenbelt shall be a minimum caliper of two (2) and one-half (1/2) inches or greater. Evergreen trees (spruce, fir, and pine) within a greenbelt shall be a minimum height of seven (7) feet. Shrubs shall be a minimum of two (2) feet in

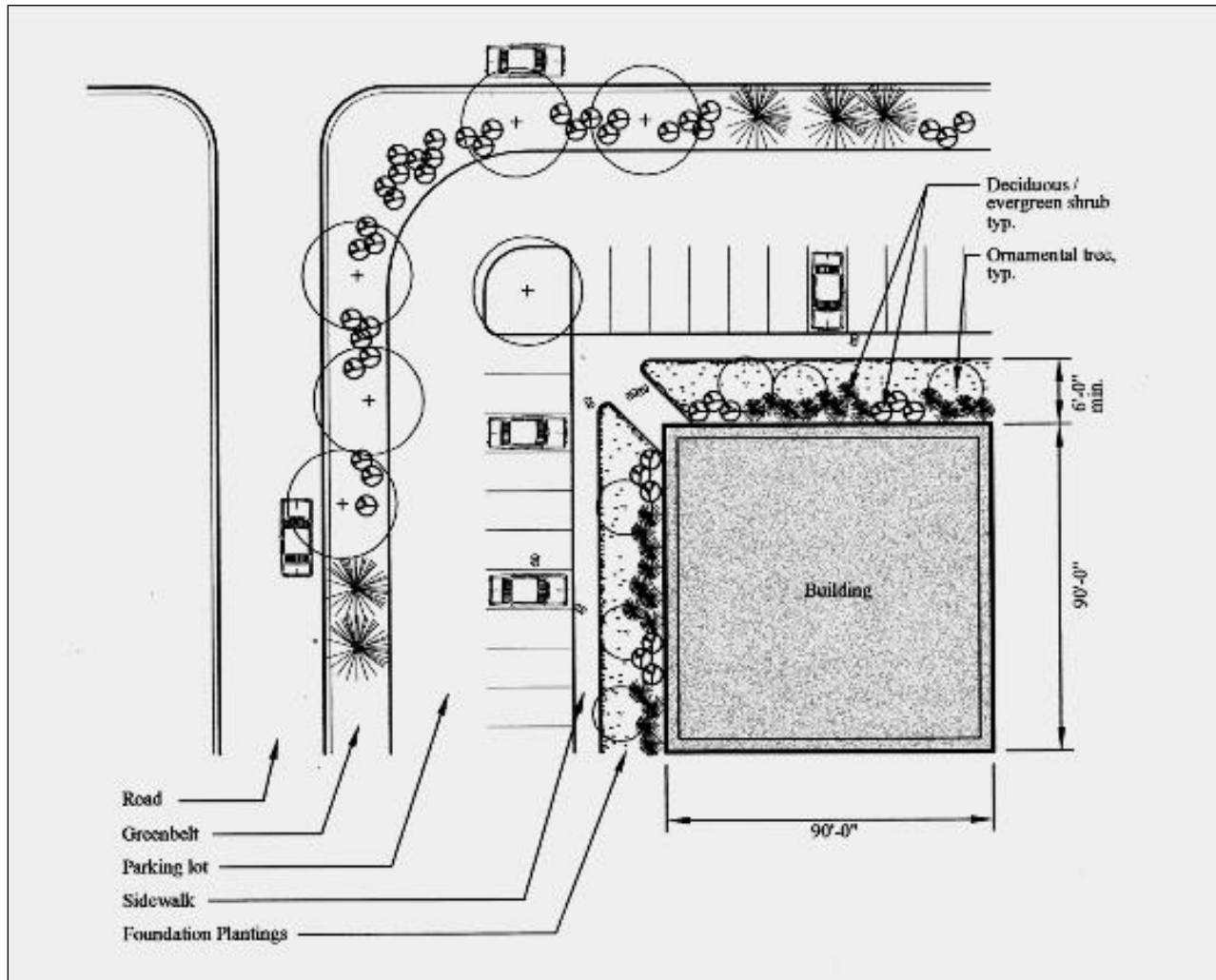
height at the time of planting or two (2) feet in spread if plants are low spreading evergreens.

2. If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two (2) and one-half (1/2) inches or greater.
3. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
4. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

I. **Foundation Landscaping** Foundation plantings shall be provided along the front or sides of any building, which faces a public road or is adjacent to a parking lot or other areas, which provides access to the building(s) by the general public. Foundation planting areas shall be integrated into the sidewalk system (between the front and sides of the building, and the parking area and associated driveways adjacent to the building. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and six (6) shrubs per thirty (30) lineal feet of applicable building frontage. Individual planting areas shall be a minimum of six (6) feet in width.

J. **General Site Landscaping** In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, grass areas and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading/unloading areas.

## SITE LANDSCAPING



K. **Subdivision and Site Condominium Landscaping** Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:

1. **Street Trees** The frontage of all internal public or private streets shall be landscaped with a minimum of two (2) trees for every subdivision lot or condominium unit (lot) or at a maximum distance of sixty (60) feet apart. Such street trees shall meet the minimum size and spacing requirements set forth in Section 12.2.E.2.g. Minimum Sizes of Landscape Materials.

2. **Other Site Improvements** A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement, which would be enhanced through the addition of landscaping.

**L. Screening of Trash and Recycling Containers**

1. Outside trash disposal and recycling containers and shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development.
2. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building(s) they serve.
3. Containers and enclosures shall be located away from public view insofar as possible.
4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) thirty (30) gallon cans or more. Aprons shall be provided for loading of bins with a capacity of one (1) and a half (1/2) cubic yards or more.
6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
7. Screening and gates shall be of a durable construction.

**Section 12.3 Exterior Lighting and Glare** (This Pertains to all Districts and Land Use)

It is the goal of the Township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote "dark skies" in keeping with the rural character of Bunker Hill Township.

- A. **Definitions** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section.
1. **Canopy Structure** Any overhead protective structure, which is either extended from a building or free-standing, including an awning.
  2. **Foot-Candle** A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one (1) square foot surface that is placed one (1) foot away from one (1) lit candle.
  3. **Glare** Light that is misdirected into the eye of potential observers or passer-by, potentially impairing their ability to see clearly and compromising public safety and welfare.
  4. **Lamp** The component of the luminaire that produces the actual light including luminous tube lighting.
  5. **Light Fixture** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
  6. **Light Pollution** Artificial light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties or causes a detrimental effect on the environment.
  7. **Light Trespass** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
  8. **Luminaire** The complete lighting system including the lamp and light fixture of any wave length.
  9. **Luminous Tube Lighting** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
  10. **Shielded Fixture** An outdoor light fixture shielded or constructed in a manner such that its light does not project beyond a certain limit. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the

purposes of this ordinance. Shielded fixtures shall be specified and installed properly to restrict light spillage past the property line.

11. **Spill Light** Light that is misdirected and illuminates an object or area that is not intended to be illuminated.
12. **Useful Light** Light that is directed to illuminate an object or area for a useful purpose.

## **B. Exterior Lighting Regulations**

1. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
2. The design and/or screening of any development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
3. Exterior lighting shall be of the type designed with a shielded/downwardly directed light source, and located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.
4. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
5. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
6. On-site lighting, i.e. parking, building lights, etc. shall conform to the following regulations:

- a. Lighting of parking areas is required when the number of parking spaces is more than five (5).
- b. When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site and off-site effects.
- c. Only non-glare, color-corrected (white) lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site.
- d. Lighting for uses adjacent to residentially zoned or property used for residential purposes, shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.
- e. Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Township Board, after receiving a recommendation from the Planning Commission may allow for an increased level of lighting above maximum permissible levels when the Board determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes. For the purposes of this ordinance, all lighting measurements shall be taken at ground level.
- f. For parking lots of less than one hundred (100) parking spaces lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source.
- g. Signs shall be illuminated only in accordance with the

regulations set forth in Article 14, Signs Regulations. In addition, signs within or abutting residential districts shall not be illuminated between the hours of 10:00 P.M. and 6:00 A.M.

- h. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.

#### **Section 12.4      Airborne Emissions** (This Pertains to all Districts and Land Uses)

- A. **Smoke and Air Contaminants** It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant from any source, to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Environmental Quality according to Act 348 of 1965, either of which act may be amended or superseded from time to time. There shall not be discharged from any source, quantities of air contaminants, or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health, or safety of persons or which cause injury or damage to business or property.
- B. **Odors** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Certain agricultural operations may be regulated under the State of Michigan, Department of Agriculture's Generally Accepted Agricultural Management Practices (GAAMPS).
- C. **Gases** The escape or emission of any gas, or hot or cold air, that is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

#### **Section 12.5      Noise and Vibration** (This Pertains to all Districts and Land Uses)

- A. Noise that is objectionable as determined by the Township due to volume, frequency, or beat shall be muffled, lessened, or otherwise controlled, subject to the following schedule of maximum noise levels permitted.

| Octave Band In Cycles Per Second | Along Residential Districts Boundaries - Maximum Permitted Sound Level In Decibels | Along All Non-Residential District Boundaries - Maximum Permitted Sound Level In Decibels |
|----------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 0 to 150                         | 70                                                                                 | 70                                                                                        |
| 150 to 300                       | 60                                                                                 | 66                                                                                        |
| 300 to 600                       | 52                                                                                 | 60                                                                                        |
| 600 to 1200                      | 46                                                                                 | 53                                                                                        |
| 1200 to 2400                     | 40                                                                                 | 47                                                                                        |
| Above 2400                       | 34                                                                                 | 41                                                                                        |

- B. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.
- C. No use shall generate any ground transmitted vibration in excess of the limits set forth in Section 12.5.F. below. Vibration shall be measured at the nearest adjacent lot line.
- D. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
- E. The vibration maximums set forth in Section 12.5.F below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency.
- F. When computed, the formula **PV = 628 F x D** shall be used:

Where:

|      |                                                        |
|------|--------------------------------------------------------|
| PV = | Particle velocity, inches-per-second                   |
| F =  | Vibration frequency, cycles-per-second                 |
| D =  | Single amplitude displacement of the vibration, inches |

The maximum velocity shall be the vector sum of the three (3) components recorded.

| <b>Maximum Ground-Transmitted Vibration:<br/>Particle Velocity, Inches-Per Second</b> |                                          |
|---------------------------------------------------------------------------------------|------------------------------------------|
| Along Non-Residential<br>District Boundaries                                          | Along Residential<br>District Boundaries |
| 010                                                                                   | 002                                      |

- G. The values stated in Section 12.5.F may be multiplied by two (2) for impact vibrations, i.e. non-cyclic vibration pulsation's not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.
- H. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

**Section 12.6      Electrical Disturbance, Electromagnetic, or Radio Frequency Interference** (This pertains to all districts and land uses)

No use shall:

- A. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
- B. Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

**Section 12.7      Fire Hazard**(This pertains to all districts and land uses)

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.

**Section 12.8      Safety** (This pertains to all districts and land uses)

Existing hazards or potential hazards and nuisances, such as construction sites, auto wrecking yards, junk yards, scrap yards, land fills, sanitary land fills, demolition sites, unused basements, sand, gravel, and stone pits or stone piles are to be enclosed by suitable fencing or barriers, as determined by the Zoning Administrator, so as not to

endanger public health, safety and welfare. Abandoned wells and cistern are to be capped or filled in to the satisfaction of the Zoning Administrator.

**Section 12.9      Use, Storage and Handling Of Hazardous Substance, Storage and Disposal of Solid, Liquid, and Sanitary Wastes** (This pertains to all districts and land uses)

- A. It shall be unlawful for any person, firm, corporation or other entity to pollute, impair or damage the air quality, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- B. Any person, firm, or corporation operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the appropriate permits or approval from the Michigan Department of Environmental Quality, Michigan Fire Marshal Division, Ingham County, or other designated enforcing agencies.
- C. Any person, firm, corporation or other entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a Hazardous Chemicals Survey to the Township in conjunction with the following: HAZARDOUS SUBSTANCE REPORTING FORM or MATERIAL SAFETY DATA SHEET (MSDS).
  - 1. Upon submission of a site plan.
  - 2. Upon any changes of use or occupancy of a structure or premise.
  - 3. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- D. All business and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or two hundred twenty (220) pounds) shall comply with the following standards:
  - 1. **Above-Ground Storage and Use Areas for Hazardous Substances**
    - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for

the maximum anticipated period of time necessary for the recovery of any released substance.

- b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage, accidental damage, vandalism, and theft.
- c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains.
- d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff.

## 2. **Underground Storage Tanks**

- a. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency, the State Police and State Fire Marshal Division, and/or any other Federal, State or local authority having jurisdiction.
- b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police, State Fire Marshal Division and Bunker Hill Township. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
- c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police and State Fire Marshal Division, the Michigan Department of Environmental Quality, and/or any other Federal, State or local authority having jurisdiction.

- 3. **Loading and Unloading Areas** Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

- E. All site plans for businesses or facilities which use, store or generate hazardous substances shall be reviewed by the local Fire Chief, Township Engineering Consultant and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

## **Section 12.10 Stormwater Management** (Pertains only to developments)

- A. **Stormwater Management** All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Storm water management shall comply with the following standards:

1. The design of storm sewers, detention/retention facilities, and other storm water management facilities shall comply with the standards of the County Drain Commissioner's Office.
2. Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.
3. The use of swales and vegetated buffer strips are encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
4. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent upstream or downstream property owners.
5. Discharge of runoff from any site, which may contain oil, grease, toxic chemicals, or other polluting materials, is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality and the Township, based upon professionally accepted principles; such a proposal shall be submitted and reviewed by the Township Engineer, with consultation of appropriate experts.

6. Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.

- B. **On-Site Stormwater Detention/Retention** For the purpose of controlling drainage to off-site properties and drainage ways, all properties with the exception of single-family residences and agricultural operations, which are developed under this zoning ordinance, whether new or improved shall provide for on-site detention/retention storage of storm water in accordance with the current County Drain Commissioner's standards.

#### **Section 12.11 Sewage Treatment and Disposal** (This pertains to all districts and land uses)

In addition to the requirements established by the Michigan Department of Health, or the Michigan Department of Environmental Quality, the following site development and use requirements shall apply to all public and private sewage treatment and disposal plants for multiple or single-family residences.

- A. All treatment buildings, lagoons or ground application areas shall be completely enclosed by a fence not less than six (6) feet high.
- B. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet wide within which grass, trees and shrubs, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Township Planning Commission shall have the authority to review and approve the design and treatment of all buffer strips.
- C. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without approval of the County Health Department, and the Bunker Hill Township Board, or when development occurs within a sewer service area, the appropriate utility department.
- D. All surface water discharge sewage treatment plants must achieve the minimum MDEQ phosphorous removal requirements.

#### **Section 12.12 Environmental Impact Statement** (Only pertains to developments)

It is the general requirement of this Article to conserve and wisely use the environment in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, "The Michigan Environmental Protection Act" and "State

Guidelines: Preparation and Review of Environmental Impact Statements", Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Planning Commission, in accordance with the Township Board may require the submittal of an Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement", Michigan Environmental Review Board, Office of Management and Budget. All oil and gas and other natural resource extraction operations shall require an Environmental Impact Statement. (Also see Section 5.17, Extracting, Removing, Filling, Depositing and Dumping Operations).

### **Section 12.13      Soil Utilization** (This pertains to all districts and land uses)

In order to properly conserve and provide future access to such natural resources such as sand, gravel, oil, gas, coal, minerals and other economically important un-renewable resources, the Planning Commission, in accordance with the Township Board may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes. (Also see Section 5.17, Extracting, Removing, Filling, Depositing and Dumping Operations)

### **Section 12.14      Lakes, Ponds, Rivers, Streams, Watercourses and Drainageways** (This pertains to all districts and land uses)

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainageways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards.
- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Stream Act", (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act", (3) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".

- C. In accordance with the provisions of Public Act 231 of 1970, "The Natural River Act" and "State Administrative Rules" adopted by the Michigan Department of Natural Resources are hereby made a part of this Ordinance.

**Section 12.15 Floodplains** (This pertains to all districts and land uses)

- A. **Delineation of Floodplain** The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agencies responsible for defining and determining flood plain areas
- B. **Development Prohibited** Any development requiring site plan review under any section of this Ordinance shall be prohibited within the one hundred (100) year floodplain of any existing watercourse and/or wetland. The Township Board may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

**Section 12.16 Wetlands** (This pertains to all districts and land uses)

All areas designated as wetlands by the Michigan Department of Environmental Quality are hereby declared to be "Wetlands" in the Township and are subject to the provisions of this Ordinance and the provisions of Public Act 203 of 1979, as amended, "The Wetland Protection Act", and any rules promulgated by the MDEQ.

**Section 12.17 Environmentally Sensitive Areas** (This pertains to all districts and land uses)

- A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity including, but not limited to:
1. Rare or valuable ecosystems.
  2. Significant undeveloped agricultural, grazing or watershed areas.
  3. Forests, woodlots and related land which require long stability for continuing renewal.
  4. Scenic or historical roads/areas, including burial grounds.

5. Wetlands of less than five (5) acres.
6. Such additional areas as may be determined by the Township, Federal Government, the State of Michigan or the County.

**B. General Requirements for Environmentally Sensitive Areas** All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environmental quality of the property and the surrounding area by means of the following:

1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in Ingham County.
2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the County Health Officer or Wastewater Division of the Michigan Department of Environmental Quality and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
  - a. Clear-cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
  - b. Selective cutting which removes not more than forty (40%) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
  - c. More than forty (40%) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission.
  - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.

- C. Have as a portion of the application a site plan for review by the Planning Commission and the Township Board, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission and the Township Board. The Planning Commission, Township Board or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, and description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Township Board shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- D. In special cases where in the judgment of the Township Planning Commission, in accordance with the Township Board, a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article 9, Site Plan Review.

**Section 12.18 Building Grades** (This pertains to all districts and land uses)

- A. Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.
- B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes

and to preclude normal run-off of surface water to flow onto the adjacent property.

- C. Final grades shall be approved by the Building Official who may require a grading plan that has been duly completed and certified by a registered engineer or land surveyor.

## **ARTICLE 13**

### **OFF-STREET PARKING AND LOADING**

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#### **Section 13.1      Purpose**

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking and loading/unloading spaces for all uses permitted by this Ordinance. This will help provide for the proper function and safety in the use of roads and highways as traffic-ways which are intended to be limited to moving vehicles. The off-street parking facilities shall be of sufficient number, adequate size and proper design to meet the range of parking needs and demands of land uses allowed by this Ordinance.

#### **Section 13.2      Off-Street Parking Requirements**

In all Districts, there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit.

##### **A.      Determination of Number of Spaces Required**

1.      The number of parking spaces provided shall be in accordance with the schedule set forth in Section 13.3.
2.      For those uses not specifically listed, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers similar in type.
3.      Floor Area: For the purpose of computing the number of parking spaces required, all references to floor area, unless otherwise indicated, shall mean gross floor area (GFA). All instances where useable floor area (UFA) is the standard are indicated as such.
4.      Employees: References to employees shall be based on the number of employees on the largest shift.
5.      Places of Assembly: In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such 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.

6. Fractional Requirements: When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.
7. Permitted capacity shall mean the maximum number of people for a building or use as defined by local, county or state fire, building or health codes.

**B. Deviations from Numerical Requirements**

1. The Township Board, may change the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, the level of current or future employment, the expected level of customer traffic or observed parking use rates.
2. Two (2) or more buildings or uses may, and are encouraged to collectively provide, the required off-street parking. In such case, the required number of parking spaces for individual uses may be reduced by up to twenty-five (25%) percent, if a signed agreement is provided by the property owners and if the Planning Commission, in accordance with the Township Board, determines that the peak usage will occur at different periods of the day or that a user will visit two (2) or more uses on one trip.
3. An applicant is encouraged to use banked parking whenever appropriate. Banked (See definition and illustration below) parking may be permitted according to the following standards:
  - a. Calculations must be provided at the time of site plan approval indicating that current or short-term parking needs will be met by the parking proposed for construction following site plan approval.
  - b. Banked parking must be shown on the approved site plan, and must meet all standards of the Zoning Ordinance.
  - c. Consideration for meeting landscaping requirements shall be made at the time of site plan approval. No landscaping, screening walls or other permanent structures shall be constructed within the area planned for banked parking unless approved by the Planning Commission, in accordance with the Township Board.



3. Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with Section 12.2.H. Greenbelts. Single-family and two-family residential dwellings shall be exempt from this restriction.
4. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten (10) foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties.

**D. Other Standards**

1. Off-street parking existing at the effective date of this Zoning Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than that required under the terms of this Zoning Ordinance.
2. The amount of required off-street parking spaces shall be illustrated on the site plan and shall be irrevocably reserved for such use.
3. If a use changes or a building is expanded, an expansion of the parking lot to meet additional parking needs may be required.
4. Required areas for loading zones shall not be calculated toward meeting required off-street parking.
5. When land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail.
6. Outdoor parking of motor vehicles, in the R2 District shall be limited to passenger vehicles and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle, shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in the R2 District. Parking space requirements for all types of vehicles may be provided either in garages, covered or outdoor parking areas conforming to the provisions of this Ordinance. Parking of recreation vehicles shall be regulated as provided in Section 13.8, herein.
7. Storage of not more than two (2) non-residential type recreational vehicle shall be permitted in the RC, A1, A2, R1 and R2 Zoning Districts, provided that such units shall be completely within the side and rear yards and all others shall be completely enclosed within a structure and out of sight.
8. No commercial repair work, servicing or selling of any kind shall be

conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

### **Section 13.3      Off-Street Parking Space Requirements**

The minimum required off-street parking spaces are set forth as follows:

| <b>OFF-STREET PARKING REQUIREMENTS</b> |                                                                               |                                         |                                                                         |
|----------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------|
| <b>Use</b>                             |                                                                               | <b>Minimum<br/>Number of<br/>Spaces</b> | <b>Unit of Measure</b>                                                  |
| <b>A</b>                               | <b>Residential</b>                                                            |                                         |                                                                         |
| 1.                                     | Boarding houses                                                               | One (1)                                 | Per guest room                                                          |
| 2.                                     | Mobile home parks                                                             | Two (2)                                 | For each manufactured home, and...                                      |
|                                        |                                                                               | One (1)                                 | for each three (3) manufactured homes<br>for visitor parking            |
| 3.                                     | Multiple-family residential                                                   | Two (2);                                | for each dwelling unit containing one (1)<br>or two (2) bedrooms and... |
|                                        |                                                                               | Three (3);                              | for each dwelling unit containing three (3)<br>bedrooms and...          |
|                                        |                                                                               | Five (5);                               | for each office building (minimum) and...                               |
|                                        |                                                                               | One (1)                                 | for each ten (10) dwelling units                                        |
| 4.                                     | One-family and two-family residential                                         | Two (2)                                 | for each dwelling unit                                                  |
| 5.                                     | Senior independent units/dwellings and<br>retirement villages                 | One (1);                                | per unit and...                                                         |
|                                        |                                                                               | One (1)                                 | per each ten (10) dwelling units                                        |
| 6.                                     | Senior "intermediate care" units (some<br>congregate facilities and services) | One (1);                                | per each two (2) rooms or two (2) beds,<br>whichever is less and...     |
|                                        |                                                                               | One (1)                                 | per each employee expected during peak<br>shift                         |

|          | Use                                                                             | Minimum Number of Spaces        | Unit of Measure                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|---------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>B</b> | <b>Institutional</b>                                                            |                                 |                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.       | Adult Family Day Care Home and Child Family Day Care Home                       | One (1);<br>Two (2)             | per each two (2) persons being cared for and...<br>for the single-family dwelling unit                                                                                                                                                                                                                                                                                                                 |
| 2.       | Child Group Day-Care Home and Adult Group Day-Care Home                         | Two (2);<br>Two (2);            | per home and...<br>for the single-family dwelling unit                                                                                                                                                                                                                                                                                                                                                 |
| 3.       | Nursery schools, day nurseries, Child Care Centers or Adult Day Care Centers    | One (1);<br>One (1)             | per four hundred (400) square feet of UFA and...<br>per employee of the peak shift                                                                                                                                                                                                                                                                                                                     |
| 4.       | Convalescent homes, nursing home units, sanitariums, senior housing, etc.       | One (1);<br>One (1)             | per each four (4) beds or two (2) rooms, whichever is less and...<br>per each two (2) employees                                                                                                                                                                                                                                                                                                        |
| 5.       | Auditoriums, stadiums, assembly halls and outdoor arenas for institutional uses | One (1)                         | per each three (3) seats                                                                                                                                                                                                                                                                                                                                                                               |
| 6.       | Churches or temples                                                             | One (1);<br>One (1)             | for each three (3) seats and...<br>for any additional spaces needed for, daycare, school, recreational facilities and other such uses. However, these requirements may be waived if it is determined that: 1) the spaces for such accessory uses can be provided by the spaces for the church/temple, and 2) that such accessory uses will occur at different times than services of the church/temple |
| 7.       | Government uses or buildings                                                    | One (1)                         | Per five hundred (500) square feet of GFA                                                                                                                                                                                                                                                                                                                                                              |
| 8.       | Hospitals                                                                       | One (1);<br>One (1);<br>One (1) | per each two (2) licensed beds and...<br>per each employee and...<br>for each five (5) outpatients on a typical peak outpatient weekday                                                                                                                                                                                                                                                                |

| Use      |                                                                           | Minimum<br>Number of<br>Spaces | Unit of Measure                                                                       |
|----------|---------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------|
| <b>B</b> | <b>Institutional (Con't)</b>                                              |                                |                                                                                       |
| 9.       | Libraries or museums                                                      | One (1)                        | per five hundred (500) square feet of UFA                                             |
| 10.      | Municipal recreation center                                               | One (1);                       | per two hundred (200) square feet of UFA and...                                       |
|          |                                                                           | One (1);                       | per each space required for outdoor courts, fields and facilities, or...              |
|          |                                                                           | One (1)                        | per each three (3) people of the permitted capacity, whichever is greater             |
| 11.      | Public Utility                                                            | One (1)                        | per employee                                                                          |
| 12.      | Schools (elementary and junior high)                                      | One (1);                       | per each instructor and other employees and...                                        |
|          |                                                                           | One (1);                       | per each space required for the assembly hall, auditorium and/or outdoor arena and... |
|          |                                                                           | Ten (10)                       | spaces for school buses                                                               |
| 13.      | Schools (high school, commercial schools and colleges)                    | One (1);                       | per each instructor and other employee and...                                         |
|          |                                                                           | One (1);                       | per each space required for the assembly hall, auditorium and/or outdoor arena and... |
|          |                                                                           | One (1);                       | per eight (8) students of driving age and                                             |
|          |                                                                           | Ten (10)                       | spaces for automobiles waiting or loading areas for school buses                      |
| 14.      | Swimming pool clubs, golf clubs, tennis clubs or similar uses             | One (1);                       | for each two (2) member families, or...                                               |
|          |                                                                           | One (1)                        | for every space required for any accessory uses                                       |
| 15.      | Union halls, fraternal orders, civic clubs, banquet hall and similar uses | One (1)                        | per each two (2) persons of permitted capacity                                        |

| Use      |                                                                                                    | Minimum Number of Spaces  | Unit of Measure                                                                            |
|----------|----------------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------|
| <b>C</b> | <b>Commercial</b>                                                                                  |                           |                                                                                            |
| 1.       | Appliance stores                                                                                   | One (1)                   | per eight hundred (800) square feet of GFA                                                 |
| 2.       | Auto service stations and auto care centers                                                        | Two (2);                  | per each service bay and...                                                                |
|          |                                                                                                    | One (1);                  | per each tow truck and...                                                                  |
|          |                                                                                                    | One (1);                  | for each five hundred (500) square feet of GFA devoted to sales of automotive goods and... |
|          |                                                                                                    | One (1);                  | per vehicle fueling position and...                                                        |
|          |                                                                                                    | One (1);                  | per employee and...                                                                        |
|          |                                                                                                    | One (1)                   | per each space required for convenience stores                                             |
| 3.       | Auto washes, including an accessory wash                                                           | One (1);                  | per employee and...                                                                        |
|          |                                                                                                    | One (1)                   | per each space required for stacking in Section 13.10.                                     |
| 4.       | Automobile sales and service                                                                       | One (1);                  | per each two hundred (200) square feet of UFA devoted to sales space and                   |
|          |                                                                                                    | One (1);                  | per service bay and...                                                                     |
|          |                                                                                                    | One (1)                   | per employee                                                                               |
| 5.       | Bars, nightclubs, lounges and other businesses where the majority of sales are alcoholic beverages | One (1)                   | per one hundred (100) square feet of GFA                                                   |
| 6.       | Batting cages                                                                                      | Two (2)                   | per cage                                                                                   |
| 7.       | Beauty parlors or barber shops                                                                     | Two (2);                  | for each of the first two (2) beauty or barber shop chairs and...                          |
|          |                                                                                                    | One (1)                   | for each additional chair                                                                  |
| 8.       | Bed and breakfast inns                                                                             | One (1);                  | for each sleeping room and...                                                              |
|          |                                                                                                    | Two (2)                   | for the owners (according to single-family residential requirements)                       |
| 9.       | Bowling centers                                                                                    | Five (5);                 | per lane and...                                                                            |
|          |                                                                                                    | Twenty-five (25%) percent | of parking required for any bar, lounge or similar accessory uses                          |

|          | Use                                                              | Minimum<br>Number of<br>Spaces                                                                                                                                                                                          | Unit of Measure                                                                                                                                                      |
|----------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>C</b> | <b>Commercial (Con't)</b>                                        |                                                                                                                                                                                                                         |                                                                                                                                                                      |
| 10.      | Commercial outdoor recreation centers, not specified elsewhere   | To be determined by the Planning Commission, in accordance with the Township Board, in consideration of the expected types of activities, number of participants, spectators, accessory uses and occupants per vehicle. |                                                                                                                                                                      |
| 11.      | Conference rooms, exhibit halls and similar uses                 | One (1);<br>Or<br>Ten (10)                                                                                                                                                                                              | per every two (2) people of permitted capacity<br><br>per one thousand (1,000) square feet of GFA, whichever is greater                                              |
| 12.      | Convenience stores, with or without gasoline service             | One (1);<br><br>One (1)                                                                                                                                                                                                 | per two hundred-fifty (250) square feet of UFA and...<br><br>per each space required for auto service stations and gasoline sales                                    |
| 13.      | Dancing halls, pool or billiard parlors, roller or skating rinks | One (1)                                                                                                                                                                                                                 | for each three (3) people allowed according to the maximum occupancy load, as authorized by the Building Code                                                        |
| 14.      | Discount stores                                                  | One (1)                                                                                                                                                                                                                 | per two hundred (200) square feet of UFA                                                                                                                             |
| 15.      | Driving ranges                                                   | One (1);<br><br>One (1)                                                                                                                                                                                                 | per two (2) tees and...<br><br>per each space required for uses listed under (commercial) #6 and one (1) space per fifty (50) square feet of UFA for an arcade area. |
| 16.      | Dry cleaners                                                     | One (1);<br><br>One (1)                                                                                                                                                                                                 | per each five hundred (500) square feet of UFA and...<br><br>per each space required for stacking according to Section 13.10.                                        |
| 17.      | Funeral homes and mortuaries                                     | One (1);<br><br>One (1)                                                                                                                                                                                                 | per fifty (50) square feet of service parlors, chapels and reception areas and...<br><br>per each funeral vehicle stored on the premises                             |
| 18.      | Furniture/carpet stores                                          | One (1);<br><br>One (1)                                                                                                                                                                                                 | per eight hundred (800) square feet of UFA and...<br><br>per employee                                                                                                |
| 19.      | Golf courses, par-three                                          | Three (3);<br><br>One (1);                                                                                                                                                                                              | per each course hole and...<br><br>per each employee, plus amount 1 space for every one hundred (100) square feet of GFA for uses listed under #5 and #34.           |

|          | Use                                                                     | Minimum Number of Spaces        | Unit of Measure                                                                                                                                                                   |
|----------|-------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>C</b> | <b>Commercial (Con't)</b>                                               |                                 |                                                                                                                                                                                   |
| 20.      | Golf courses (public or private), except miniature or par-three courses | Five (5);<br><br>One (1);       | per each hole and...<br><br>per each employee, plus one (1) space per one hundred (100) GFA for uses listed under (commercial) #5 and #34.                                        |
| 21.      | Golf courses, miniature                                                 | One (1);<br>One (1);<br>One (1) | for each hole and...<br>for each employee and...<br>per each space required for uses listed under (commercial) #6 and one (1) space per 50 square feet of UFA for an arcade area. |
| 22.      | Grocery stores or combined grocery/department stores                    | One (1)                         | per two hundred-fifty (250) square feet of UFA                                                                                                                                    |
| 23.      | Hardware/paint/home improvement stores                                  | One (1)                         | per three hundred (300) square feet of UFA                                                                                                                                        |
| 24.      | Home improvement centers and club warehouses                            | One (1)                         | per two hundred-fifty (250) square feet of UFA                                                                                                                                    |
| 25.      | Hotels/motels                                                           | One (1);<br>One (1);<br>One (1) | per guest room and...<br>per two (2) employees and...<br>per each space required for accessory uses                                                                               |
| 26.      | Laundromats                                                             | One (1)                         | for each two (2) machines                                                                                                                                                         |
| 27.      | Livestock Auction                                                       | One (1)                         | for each one hundred (100) square feet of building, pens and all enclosed areas on the premises of the auction facility                                                           |
| 28.      | Marinas/seasonal structures                                             | One (1);<br><br>Twenty (20)     | for every two (2) boat berths and...<br><br>Ten (10) feet by forty (40) spaces for each twelve (12) feet of launching ramp width                                                  |
| 29.      | Mini and self-storage warehouses and per personal inventory facilities  | Six (6)                         | at minimum to be located by the office (Parking adjacent to storage units shall not impede circulation between units)                                                             |
| 30.      | Oil change and automobile maintenance facilities                        | One (1);<br><br>One (1)         | for each lubrication stall, rack, pit or similar service area and...<br><br>per employee                                                                                          |

|          | Use                                                                                                                                                                                    | Minimum Number of Spaces | Unit of Measure                                                             |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------|
| <b>C</b> | <b>Commercial (Con't)</b>                                                                                                                                                              |                          |                                                                             |
| 31.      | Racquetball/tennis centers                                                                                                                                                             | One (1);                 | per one thousand (1,000) square feet of GFA or...                           |
|          |                                                                                                                                                                                        | Six (6)                  | per court, whichever is greater                                             |
| 32.      | Restaurant, family (without a bar, delivered to tables or dining counters and having only incidental carry-out service)                                                                | One (1);                 | per one hundred (100) square feet of GFA and...                             |
|          |                                                                                                                                                                                        | One (1)                  | per any spaces required for banquet or meeting rooms                        |
| 33.      | Restaurant, fast food (including drive-through and drive-in, providing quickly or previously prepared foods which the patron carries out or eats in an indoor or outdoor seating area) | One (1);                 | per one hundred (100) square feet of GFA and...                             |
|          |                                                                                                                                                                                        | One (1);                 | per each employee of the peak shift and...                                  |
|          |                                                                                                                                                                                        | One (1)                  | per each space required for stacking according to Section 13.10.            |
| 34.      | Restaurants (including restaurants with or without entertainment facilities, lounges, and bars, providing only seated table service)                                                   | One (1);                 | per seventy-five (75) square feet of GFA and...                             |
|          |                                                                                                                                                                                        | One (1)                  | for all spaces required for banquet, meeting rooms and other accessory uses |
| 35.      | Restaurant, take-out (with less than six (6) tables and/or booths)                                                                                                                     | Six (6);                 | at a minimum and...                                                         |
|          |                                                                                                                                                                                        | One (1)                  | per each employee of a peak shift                                           |
| 36.      | Retail stores, except as otherwise specified herein                                                                                                                                    | One (1)                  | for each two hundred-fifty (250) square feet of GFA                         |
| 37.      | Roadside stands                                                                                                                                                                        | Five (5);                | Spaces and...                                                               |
|          |                                                                                                                                                                                        | One (1)                  | per each twenty-five (25) square feet of floor area                         |

|          | Use                               | Minimum<br>Number of<br>Spaces                                                                                                                                                                                  | Unit of Measure                                                                                                                                                                                                                                                                                 |
|----------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>C</b> | <b>Commercial (Con't)</b>         |                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                 |
| 38.      | Shopping centers                  | One (1);                                                                                                                                                                                                        | per two hundred-fifty (250) square feet of GFA or...                                                                                                                                                                                                                                            |
|          |                                   | Parking calculations may be based on the proposed uses within the shopping center, on the condition that any deviation from the uses indicated on the plan will be addressed with a sufficient number of spaces |                                                                                                                                                                                                                                                                                                 |
| 39.      | Swimming pool                     | One (1)                                                                                                                                                                                                         | per each three (3) persons of maximum capacity authorized by the Building Code                                                                                                                                                                                                                  |
| 40.      | Theaters, cinemas and auditoriums | One (1)                                                                                                                                                                                                         | for each three (3) seats or six (6) feet of benches                                                                                                                                                                                                                                             |
| 41.      | Trucking Terminals                | One (1)                                                                                                                                                                                                         | for every three hundred (300) square feet of gross floor area dedicated to office uses, plus one (1) space for every five thousand (5,000) square feet of gross floor area dedicated to warehouse uses, or one (1) parking space for every employee working at the site, which ever is greater. |
| 42.      | Video arcades                     | One (1)                                                                                                                                                                                                         | per fifty (50) square feet of UFA                                                                                                                                                                                                                                                               |
| 43.      | Video rental establishments       | One (1)                                                                                                                                                                                                         | per one hundred (100) square feet of UFA, with a minimum of eight (8) spaces                                                                                                                                                                                                                    |

OR this one:

One (1) space per employee on the largest shift, plus one (1) space per truck normally parked on the premises, plus one (1) space per three (3) patrons to the maximum capacity. All spaces where trucks will be parked and associated drives must be surfaced to the minimum requirements for parking lots as found in the Public Works Manual.

|          | Use                                                                                       | Minimum Number of Spaces                                | Unit of Measure                                                                                                                                                                                                                                                     |
|----------|-------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>D</b> | <b>Office</b>                                                                             |                                                         |                                                                                                                                                                                                                                                                     |
| 1.       | Branch banks, credit unions or savings and loan associations                              | One (1);<br><br>One (1)                                 | per each two hundred (200) square feet of GFA and<br><br>per each space required for stacking according to Section 13.10                                                                                                                                            |
| 2.       | Business offices or professional offices                                                  | One (1)                                                 | for each two hundred-fifty (250) square feet of UFA                                                                                                                                                                                                                 |
| 3.       | Medical clinic (outpatient care centers, emergency care / 24-hour medical stations, etc.) | Two (2);<br><br>One (1);<br><br>One (1)                 | per exam or outpatient procedure/operating room and...<br><br>for each laboratory or recovery room and...<br><br>for each employee                                                                                                                                  |
| 4.       | Professional office of doctors, dentists or similar professions                           | One (1)                                                 | for each one hundred-fifty (150) square feet of GFA                                                                                                                                                                                                                 |
| <b>E</b> | <b>Industrial</b>                                                                         |                                                         |                                                                                                                                                                                                                                                                     |
| 1.       | Light industrial, manufacturing, testing labs, research and development centers           | Five (5);<br><br>One (1);<br><br>One(1);<br><br>One (1) | spaces, plus<br><br>per one thousand (1,000) square feet of UFA or<br><br>space for each employee at a peak shift, whichever is greater, plus<br><br>space for sales area or office at a rate of two hundred-fifty (250) square feet of UFA.                        |
| 2.       | Wholesale and warehouse establishments                                                    | Five (5);<br><br>One (1);<br><br>One (1)<br><br>One (1) | spaces, plus<br><br>space for each employee of a peak shift or...<br><br>space per one thousand-seven hundred (1,700) square feet of UFA, whichever is greater, plus<br><br>space for sales area or office at a rate of two hundred-fifty (250) square feet of UFA. |
| 3.       | Unoccupied building                                                                       | One (1)                                                 | for each service vehicle.                                                                                                                                                                                                                                           |

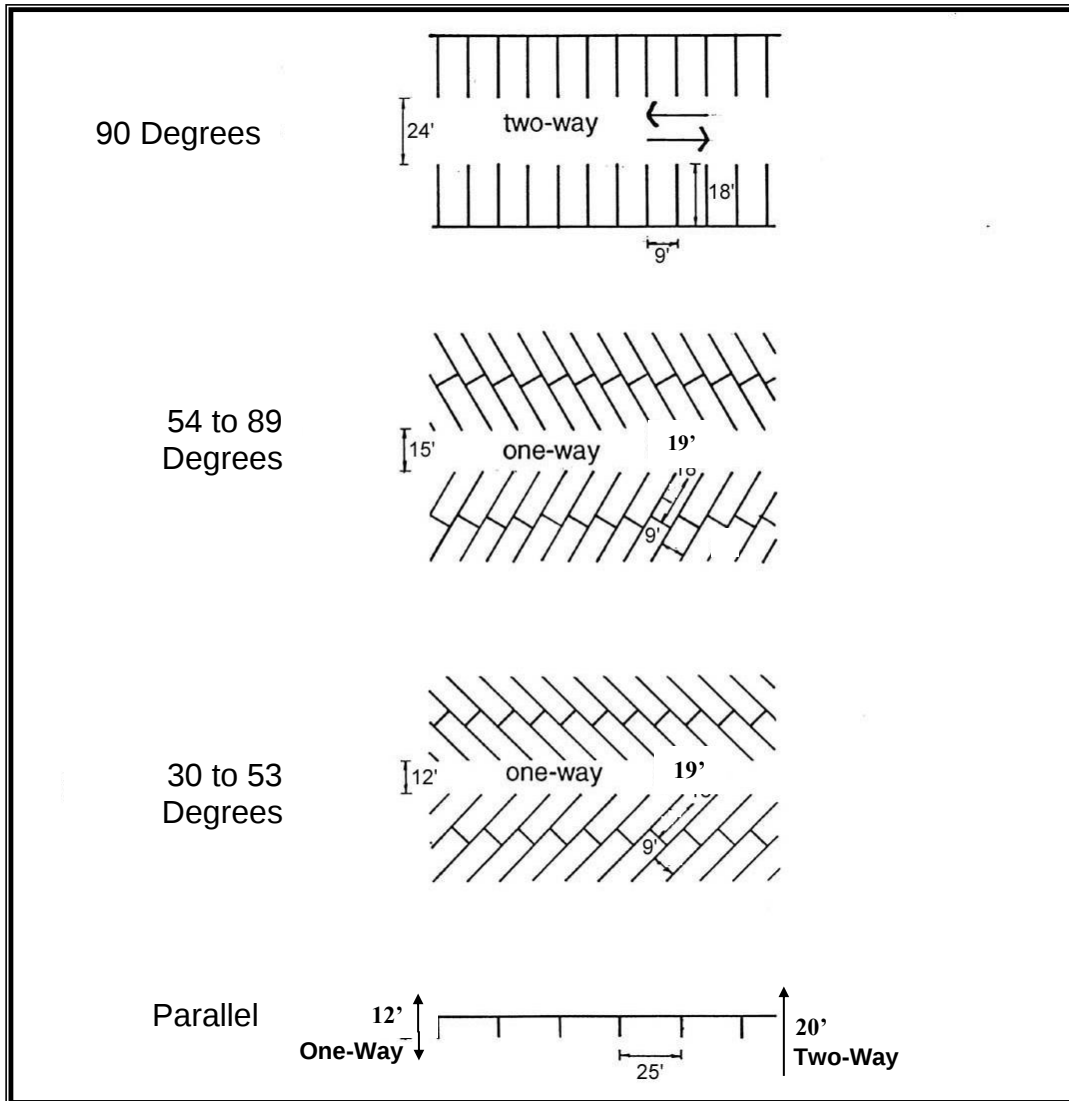
## Section 13.4      Parking Lot Design

- A.    **Layout**    Wherever off-street parking is required, the off-street parking facility shall be designed, constructed and maintained in accordance with the standards and regulations of this section and the parking layout figure, following the text of this section.

| PARKING LOT DESIGN STANDARDS |                        |                         |                     |                         |
|------------------------------|------------------------|-------------------------|---------------------|-------------------------|
| Parking Pattern              | Maneuvering Lane Width |                         | Parking Space Width | Parking Space Length    |
|                              | One-way                | Two-way                 |                     |                         |
| 0° (Parallel)                | Twelve<br>(12) ft.     | Twenty<br>(20) ft.      | Nine<br>(9) ft.     | Twenty-five<br>(25) ft. |
| 30°- 53°                     | Twelve<br>(12) ft.     | N/A                     | Nine<br>(9) ft.     | Nineteen<br>(19) ft.    |
| 54° - 89°                    | Fifteen<br>(15) ft.    | N/A                     | Nine<br>(9) ft.     | Nineteen<br>(19) ft.    |
| 90°                          | Fifteen<br>(15) ft.    | Twenty-four<br>(24) ft. | Nine<br>(9) ft.     | Eighteen<br>(18) ft.    |

N/A: Does not apply

## PARKING LOT DESIGN



- B. **Surface Construction** Parking areas, driveways, drives and loading zones shall be constructed of an asphalt or concrete surface with concrete curbs and gutters, in accordance with the current design practices of the Township Engineer. The Township Board may waive the requirement of asphalt or concrete for parking areas.
- C. **Drainage** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property, toward buildings or across sidewalks or other areas intended for pedestrian circulation. All parking lots shall be graded and shall provide necessary enclosed storm water drainage, catch basins and storm sewer taps when necessary, according to current Township engineering standards and specifications.

- D. **Lighting** Lighting shall be provided in all parking lots, utilized after daylight hours, and shall meet the standards of Section 12.3., Exterior Lighting and Glare.
- E. **Outdoor Storage or Display** Parking lots shall not be used for outdoor storage or display.
- F. **Landscaping** The parking area shall include landscaping in accordance with Section 12.2., Landscaping, Greenbelts, Buffers and Screening.
- G. **Barrier-Free Parking Requirements** In those cases where barrier-free parking areas are required by state barrier-free design laws, such parking areas, signs, curb cuts, etc., shall be in full compliance with such laws of the State of Michigan, Americans with Disabilities Act and/or adopted building codes. These parking requirements may be varied to meet the requirements of the Americans With Disabilities Act and may be increased by the Township for uses where the expected number of physically disabled would be more than required (e.g., fraternal order halls, churches, etc.).

### **Section 13.5 Construction and Maintenance**

- A. **Plans** No parking lot shall be constructed unless it is part of an approved site plan or approved by the Zoning Administrator. Applications for a permit when a site plan is not required shall be submitted to the Zoning Administrator, with a plan indicating the following:
  - 1. An illustration of existing and proposed grades;
  - 2. An indication that stormwater run-off shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures; and
  - 3. A description or cross-section of surface and base materials to be used during construction.
- B. **Period for Construction** Required parking lots shall be installed and completed within six (6) months of receipt of a building permit and before issuance of an occupancy permit. The Zoning Administrator may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.

- C. **Maintenance** All parking areas, including pavement markings and landscaping, shall be maintained in a safe and sanitary condition and shall be kept in good repair. Any alteration, enlargement, reconstruction or change in access, in whole or in part, other than normal maintenance repairs and resurfacing, shall be pursuant to permit and subject to the provisions of this Zoning Ordinance.

### **Section 13.6      Parking and Storage of Vehicles**

All automotive vehicles and all non-farm trailers without current license plates shall not be parked or stored in any district in Bunker Hill Township other than in completely enclosed structures, unless otherwise permitted herein. Recreational vehicles are regulated in Section 13.8

### **Section 13.7      Truck and Equipment Parking**

It is unlawful for the owner, tenant or lessee of any lot, parcel or tract of land in a residential district or a residentially used property, or on any public street, to permit or allow the open storage or parking, either day or night, of semi-trucks and commercial trailers, mobile homes, recreational vehicles, tractors, bulldozers, earth carriers, drag lines, cranes, large excavating equipment and/or any other equipment or machinery. The use of semi trailers for storage purposes on the premises for five (5) or more consecutive days is prohibited. These standards shall not apply to pickup or panel trucks and it is further provided that equipment necessary to be parked overnight on a lot, parcel, or track of land during the construction work thereon shall be exempt from this restriction.

### **Section 13.8      Parking or Storage of Recreational Vehicles**

- A. A recreational vehicle may be parked or stored in the RC, A1, A2, and R1 Districts. Storage of such vehicles in the R2 District shall be permitted only on lots of at least twenty thousand (20,000) square feet in size, containing a single-family detached dwelling. The following regulations apply:
1. Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator during construction of a single-family detached dwelling.
  2. Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners: The Zoning Administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner that obstructs pedestrian or vehicular visibility.

- B. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors, not to exceed a continuous period of two (2) weeks in any ninety (90) day period. A temporary permit shall be required from the Zoning Administrator for time periods exceeding two weeks. The temporary permit shall only be issued to one (1) recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 30th day of the permit period.
- C. No recreational vehicle shall be stored or used for living conditions, on a public street or right-of-way or private road easement.
- D. A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

### **Section 13.9      Off-Street Loading Requirements**

In connection with every use, except single-family, two-family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. 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 Permit for the establishment or enlargement of a use of land, building or structure.
- B. Each off-street loading space shall not be less than ten (10) feet in width, fifty (50) feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading/unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading/unloading space shall not be located closer than fifty (50) feet to any residential lot or parcel 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.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of

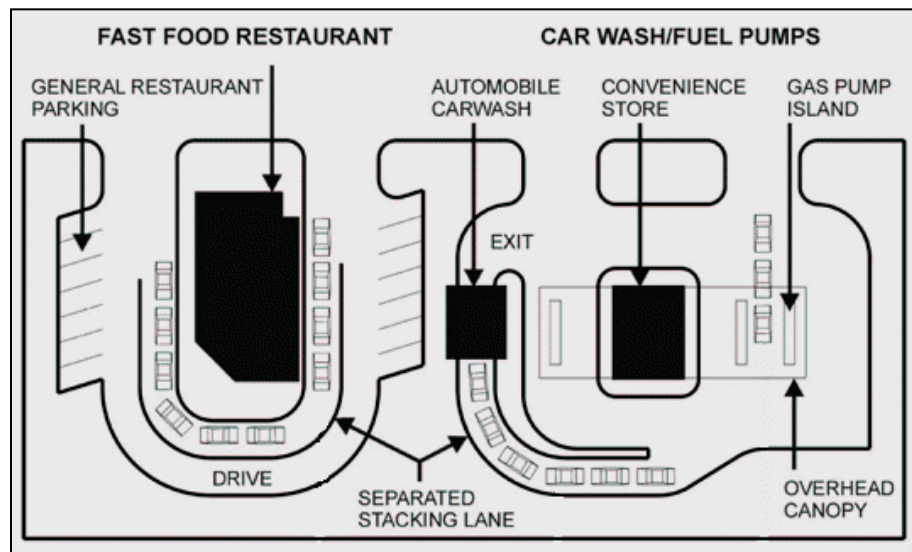
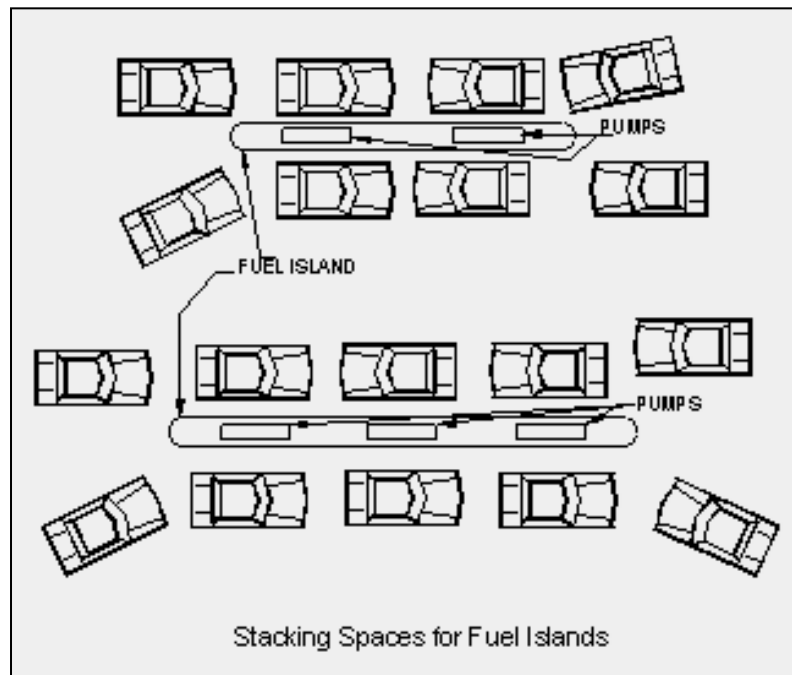
all the uses computed separately.

- F. All off-street loading/unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted, if used after daylight hours, and shall have appropriate bumper or wheel guards where needed.
- H. Off-street loading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) off-street loading space, and for every additional twenty thousand (20,000) square feet of gross floor space or fraction thereof shall provide one (1) additional loading/unloading space.
- I. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Board of Appeals.

### **Section 13.10 Off-Street Stacking Spaces for Drive-Through Facilities**

- A. **Drive-Through Facilities** In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobiles shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements:
  - 1. Each stacking space shall be computed on the basis of twelve (12) feet in width and twenty (20) feet in length.
  - 2. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner that promotes pedestrian and vehicular safety.

## Examples of Vehicle Stacking



3. Each drive-through facility shall have an escape lane of no less than twelve (12) feet in width, to allow other vehicles to pass those waiting to be served. The Planning Commission, in accordance with the Township Board, may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.

4. The number of stacking spaces per service lane shall be provided for the uses as follows. When a use is not specifically mentioned, the requirements for off-street stacking space for a similar use shall apply.

| <b>STACKING SPACE REQUIREMENTS</b> |       |                                         |
|------------------------------------|-------|-----------------------------------------|
| <b>Use</b>                         |       | <b>Stacking Spaces per Service Lane</b> |
| Banks                              |       | Four (4)                                |
| Pharmacy                           |       | Four (4)                                |
| Dry-Cleaning                       |       | Four (4)                                |
| Fast-Food Restaurants              |       | Six (6)                                 |
| Car Washes (self-service)          | Entry | Three (3)                               |
|                                    | Exit  | One (1)                                 |
| Car Washes (Automatic)             | Entry | Six (6)                                 |
|                                    | Exit  | Two (2)                                 |
| Quick Oil Change                   |       | Two (2)                                 |

- B. **Off-Street Waiting Space** Uses such as day cares, schools, hospitals, nursing homes and churches shall provide a safe and efficient means for passengers to be dropped off and picked up. Such off-street waiting spaces shall be clearly delineated so as to ensure the safety of pedestrians and motorists.



## **ARTICLE 14**

### **SIGN REGULATIONS**

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#### **Section 14.1      Purpose**

The purpose of this Article is to regulate the location, size, construction and manner of display for on-site signs and outdoor advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township.

While this Ordinance recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this Article has the following objectives:

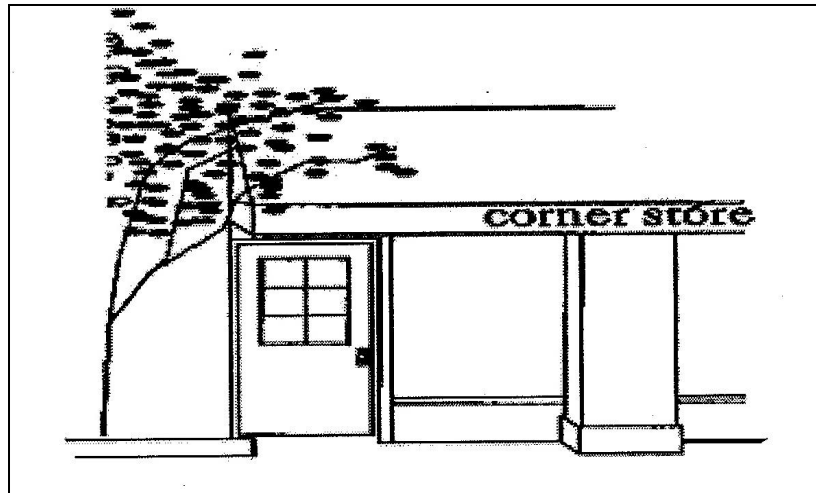
- A.      To prevent the placement of signs in a manner that will conceal or obscure signs of adjacent businesses;
- B.      To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products,
- C.      To keep signs within a reasonable scale with respect to the buildings they identify,
- D.      To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- E.      To promote a quality manner of display that enhances the character of the Township;
- F.      To prevent the proliferation of temporary signs that may promote visual blight.

#### **Section 14.2      Definitions** (Note the following definitions are also contained in Article 2, Section 2.2 Definitions)

**Sign** The display of any words, numerals, figures, devices, designs or trademarks to make known an individual, firm, profession, business, product or message and which is visible to the general public. Several definitions for types of signs are listed below.

- A. **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.
- B. **Animated, Flashing or Moving Sign** A sign that has intermittently reflecting lights, or a sign which uses intermittent, flashing, scintillating, or varying intensity of illustration to create the appearance of movement or a sign that any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources.
- C. **Awning/Canopy Sign** Any sign attached to or constructed within or on an awning or on a canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not an awning/canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this Section.

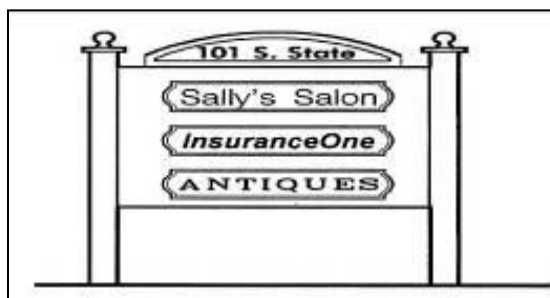
#### **AWNING / CANOPY SIGN**



- D. **Banner** A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame.
- E. **Billboard** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted, and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972, as amended.
- F. **Building Sign** Any sign attached to any part of a building, as contrasted to a freestanding sign. For purposes of this ordinance, building signs shall include: awning/canopy signs, identification signs, integral signs, marquee signs, projecting signs, roof and integral roof signs, wall, window, and suspended signs.

- G. **Business Center** A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of freestanding or ground signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used auto/truck sales shall be considered a separate use in determining the maximum number of freestanding signs, provided that the used sales section of the lot includes at least twenty-five (25%) percent of the available sales area.
- H. **Business Sign** An accessory sign related to the business, activity or service conducted on the premises upon which the sign is placed.
- I. **Changeable Copy** Moveable letters or other forms of sign copy, not including animated copy that can be altered by physical, mechanical or electrical means without replacing the sign copy area.
- J. **Change of Copy** The replacement of the name of a tenant with another on a sign listing tenants in professional offices or buildings, industrial parks or a commercial establishment. Change of copy shall not include any modifications to the sign structure or frame. Nor shall it include alternations of sign size.
- K. **Direction or Information Sign** A sign identifying a street or designating the location of a community or institution of public or quasi-public nature or the opening of an event of public interest, but not including signs pertaining to real estate, and not including any advertising matter.
- L. **Direction Sign** A freestanding sign located at a business or commercial establishment that indicates traffic flow.
- M. **Directory Sign** A ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.

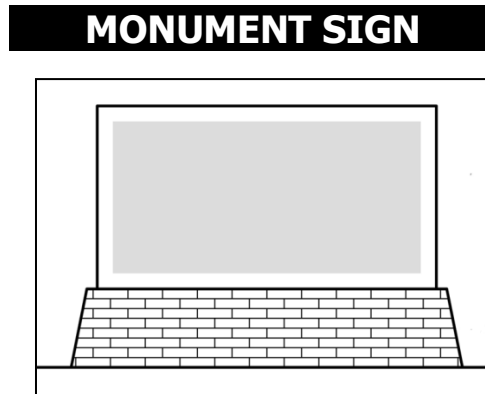
## DIRECTORY SIGN



- N. **Flag** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- O. **Flashing Sign** (See Animated Sign) Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.
- P. **Freestanding or Ground Sign** A sign supported directly by the ground or with support provided by uprights, braces, pylons or poles anchored in the ground that are independent from any building or other structure.
- Q. **Identification Sign** A sign which carries only the name of the firm, the major enterprise, 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.
- R. **Illegal Sign** A sign which does not meet the requirements of this code and which has not received legal non-conforming status.
- S. **Illuminated Sign** A sign illuminated in any manner by an artificial light source.
- T. **Inflatable Sign** A sign that is either expanded or its full dimensions are supported by gases contained within the sign, or a sign part, at a pressure greater than atmospheric pressure.
- U. **Incidental Sign** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- V. **Institutional Bulletin Boards** A sign related to a public school, parochial school, private school, clubs or organizations, public park or recreation facility, church or other religious institution which identifies activities or events to take place which involve the patrons of such specific use.
- W. **Marquee Sign** A sign attached to any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- X. **Menu Board** A sign that is intended to service patrons using a drive-

through facility.

- Y. **Monument Sign** A ground sign mounted on a base directly to the ground.

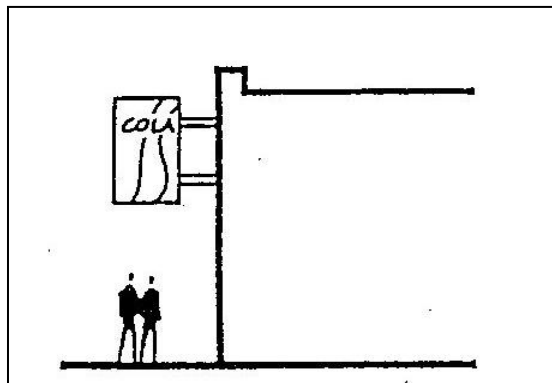


- Z. **Nameplate** Contains the name of the occupant, address of the premises, and sometimes, in the case of a home occupation the "occupation."
- AA. **Neon Sign** A sign consisting of glass tubing, filled with neon gas, which glows when electric current is sent through it.
- BB. **Non-Conforming Sign** Signs that are prohibited under the terms of this Ordinance but were in use and lawful at the date of enactment of this Ordinance.
- CC. **Obsolete Sign** Signs that advertise a product that is no longer made or that advertise a business that has closed.
- DD. **Off-Premise Commercial Sign** A sign, including billboards, on which the written or pictorial information is intended to advertise a use located on other premises, and which is intended primarily for advertising purposes.
- EE. **Pennant Sign** A sign or display consisting of long, narrow, usually triangular flags of lightweight plastic, fabric, or other materials, that may or may not contain a message, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- FF. **Political Sign** A temporary sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.
- GG. **Portable Sign** A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include, but are not limited to: signs designed to be transported by means of wheels; signs converted to

"A"-frames or "T"-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

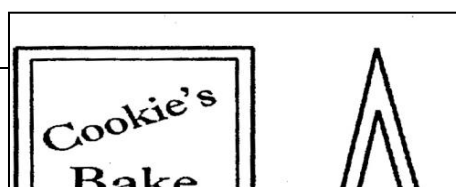
- HH. **Projecting Sign** Any sign which is attached to a building or other structure which extends more than eight (8) inches beyond the face of the building or structure or eight (8) inches beyond the surface of that portion of the building or structure to which it is attached, and is perpendicular or nearly perpendicular to the building surface and is permanently attached to the building or structure surface. A projecting sign shall not include or be a part of any canopy, awning or marquee sign.

### PROJECTING SIGN

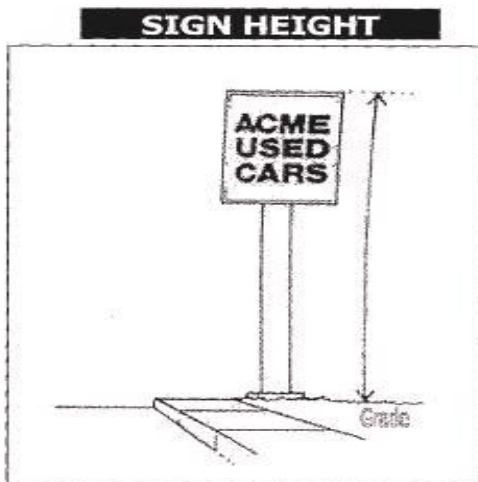


- II. **Real Estate Sign** A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.
- JJ. **Real Estate Development or Construction Sign** A temporary ground or wall sign, usually located at the entrance of a new project, which lists the name of project developers, contractors, engineers, architects, and the type of development. The sign can also contain general information about the project, such as the name, number and type of units to be built, square footage, price range and other similar information.
- KK. **Roof Sign** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.
- LL. **Sandwich Board Sign** A portable non-permanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours; consisting of an "A"-frame or "T"-frame or other temporary style, typically with not more than two (2) flat surfaces containing messages, and is not permanently affixed to any structure or to the sidewalk itself.

### SANDWICH BOARD SIGN



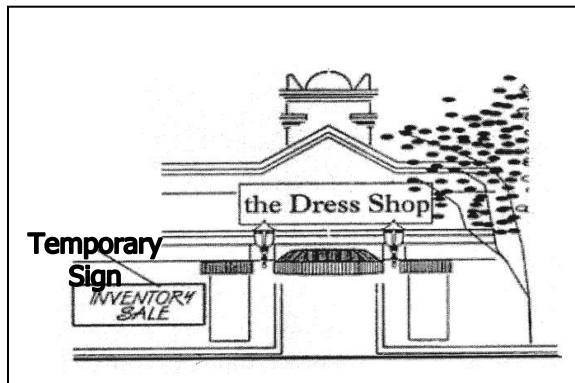
- MM. **Sign Height (Measurement of)** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: a) existing grade prior to construction; or, b) mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.



- NN. **Site Entry Features with Signage** An architectural feature that defines, delineates and differentiates the entrance to a residential subdivision, apartment community, condominium development, mobile home park or office, business or industrial park, or similar development from a major thoroughfare without being a visual intrusion or distraction to the general public and the traveling motorist. Signage identifying the name of the development may be incorporated into the architectural feature.
- OO. **Subdivision Entranceway Sign** A sign, depicting the name of a residential, office/service, commercial or industrial subdivision, located at the entrance to such subdivision.
- PP. **Temporary Sign** A sign that is used only temporarily and advertises a private or public seasonal or special event, function or sale. Temporary signs are not permanently mounted. For purposes of this ordinance,

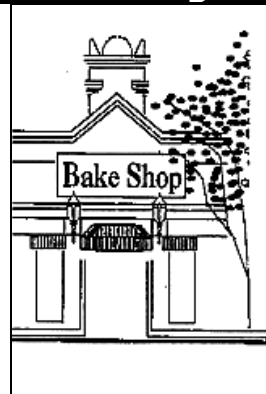
temporary signs shall include: balloon, banner, construction, and political, portable and real estate signs.

### Temporary Sign



- QQ. **Time-Temperature Sign** A sign which displays the current time or outdoor temperature or both and which displays no other material except for the name of a business, product or service.
- RR. **Vehicle Business Sign** A sign painted or attached to a vehicle which is posted or placed upon an owner's premises primarily for purposes of advertising the premises. Commercially licensed vehicles which are generally used daily off-site are not included in this definition.
- SS. **Wall Sign** A sign fastened to or painted on the wall area of a building or structure that is confined within the limits of the wall with the exposed face of the sign in a plane approximately parallel to the plane of such wall.

### Wall Sign



- TT. **Welcome Sign** A sign displaying the name of the owner or a sign saying welcome.
- UU. **Window Sign** Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

## Section 14.3      **General Sign Regulations**

- A.    **General** All signs shall be designed, constructed and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity. All signs require a permit unless specifically listed in Section 14.8.
- B.    **Building Code Compliance** All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the Township. In the event of conflict between this Ordinance and other laws, the most restrictive shall govern.
- C.    **Location** All signs advertising a business or service must be on the premises upon which the business or service is located and to which the sign is accessory, unless otherwise specified herein.
- D.    **Safety** All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk. Further, no sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.
- E.    **Landscape Quality and Preservation** In the application of this Ordinance, it is the intent to protect the public welfare and to enhance the appearance and economic value of the surrounding landscape by providing that signs:
  - 1.    Do not interfere with scenic views.
  - 2.    Do not create a nuisance to persons using the public right-of-way.
  - 3.    Do not constitute a nuisance to the occupancy of adjacent and continuous property by their brightness, size, height, or movement.
  - 4.    Are not detrimental to land or property values.

5. Do not detract from the special character of particular areas or districts in the Township.

**F. Illuminated Signs**

1. **Residential Districts** In RC, A1, A2, R1, and R2 Districts, only indirectly illuminated (light reflected from another source) signs shall be allowed, provided such signs are shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
2. **Commercial and Industrial Districts** In NC and LI Districts, only indirectly or internally illuminated signs are permitted, provided such signs are shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of writing or printing, except that movement showing date, time, and temperature exclusively shall be permitted. Nothing contained in this ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities. Search lights shall not be permitted as a sign for advertising purposes.

**Section 14.4 Measurement of Sign Area**

The area of a sign shall be computed as including the entire area of the sign, including all the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area. When a sign has two (2) faces placed back to back, that are parallel to one (1) another, and are twelve (12) inches or less apart, only one (1) side of the sign shall be computed for determining size, provided that the area separating the sign faces has no copy or graphic advertisement.

**Section 14.5 Setback Requirements for Signs**

Notwithstanding all other setback provisions of this ordinance, the following setback requirements shall apply to all freestanding signs: All signs shall maintain a minimum setback of fifteen (15) feet from all property lines, public and private right-of-ways and road easements for ingress and egress, whichever is greater, unless otherwise specified by the Ordinance.

**Section 14.6 Permits and Fees**

- A. All signs, unless specifically listed in Section 14.8, must have a sign permit, issued by the Zoning Administrator. It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, unless specified otherwise in the Ordinance.
- B. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his/her authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Such applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant. If the applicant is not the property owner, a written statement of permission from the property owner must be provided with the application for a sign permit. Fees for sign permits for all signs shall be established by resolution of the Township Board.
- C. An application for a sign permit shall contain the following information:
  - 1. The applicant's name and address in full, and a complete description of his/her relationship to the property owner.
  - 2. The location of the sign by street address, and parcel identification number of the proposed sign structure.
  - 3. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
  - 4. The address of the property.
  - 5. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
  - 6. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
  - 7. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
  - 8. A statement of valuation.

- D. All proposed sign locations or relocations shall be inspected on the site by the Zoning Administrator for conformance to this Ordinance. Foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
- E. A permit for a temporary sign shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance. A permit is not required if an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, and structural modification of the sign is not required.
- F. Once a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Zoning Administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Township.
- 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.

## **Section 14.7 Signs Prohibited in All Districts**

The following signs are prohibited:

- A. **Abandoned Signs** Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
- B. **Banners** Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except on a 30 day temporary basis as outlined in section 14.11 Temporary Signs, F. Banners, Pennants, Etc.
- C. **Flashing Signs** Signs containing flashing, intermittent or moving lights, moving or revolving parts, or reflecting parts that may distract drivers. This provision is not intended to exclude those signs that give the time or temperature, provided no other animated messages are displayed.
- D. **Hazardous Signs** Any sign or sign structure that:

1. Is structurally unsafe.
  2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
  3. Is not kept in good repair.
  4. Is capable of causing electrical shocks to persons likely to come in contact with it.
- E. **Illegal Signs** Any sign unlawfully installed, erected or maintained.
- F. **Illegally Located Signs** Signs affixed to utility poles or other signs, as well as to trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
- G. **Imitating Signs** Those signs which 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 Article. In addition, signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as an traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection shall be prohibited.
- H. **Miscellaneous Signs and Posters** Tacking, pasting, or otherwise affixing of signs or posters visible from a public way except "no trespassing", "no hunting", "beware of animal", warning or danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences. All other miscellaneous signs and posters are permitted on a 30 day temporary basis.
- I. **Moving Signs** Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall not be permitted.
- J. **Obscene Signs** Signs which contain statements, words or pictures of an obscene, pornographic or immoral character.
- K. **Portable Signs** Except as otherwise permitted, portable signs are prohibited.
- L. **Roof Signs** A building mounted sign erected on the roof of a building.
- M. **Signs within a Right-of-Way** All signs, other than those erected by a public agency that are located within or overhang the public right-of-way or on public property are explicitly not permitted.

- N. **Swinging Signs** Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- Θ. **Vehicular Signs** Temporary signs mounted upon trucks, vans, or other wheeled devices and parked in a location for advertising purposes, except for political signs. Signs permanently painted on, or, otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, and appropriate for that type of business.

## **Section 14.8 Exemptions**

The following types of signs, which shall not be illuminated unless otherwise noted, are exempt from the provisions of this Ordinance except for construction and safety regulations:

- A. **Agricultural Test Plot Signs**
- B. **Directional Signs** Signs which direct traffic movement onto or within a property. Each premise shall be permitted one (1) directional sign per driveway, or two (2) directional signs if two (2) one-way directional drives are used, plus additional directional signs to improve circulation on-site, provided they are not placed within the front yard. Directional signs shall not exceed four (4) square feet in size, shall contain no advertising, and may be illuminated by internal means only. Furthermore, directional signs shall be located on the lot or parcel behind the road right-of-way line. Horizontal directional signs, on and flush with paved areas, are exempt from these standards.
- C. **Flags** Flags representing a governmental unit of which the premises are a part shall be allowed to have one freestanding flag per governmental unit (U.S., State, City and County)
- D. **Farm Product Directional Signs - Temporary Off-Premise** Seasonal off-premise farm product directional signs may be permitted in all districts subject to the following standards:
1. No more than four (4) signs per use shall be permitted.
  2. The size of an off-premise farm product directional sign shall not exceed six (6) square feet in size.
  3. The height of an off-premise farm product directional sign shall not exceed five (5) feet. However, variations in height may be granted by the Zoning Board of Appeals to accommodate vehicular visibility.

4. Illumination shall not be permitted.
  5. Proof shall be supplied by the applicant that all appropriate standards of the County Road Commission are met. Written permission of the property owner where the proposed sign is to be located must be provided.
  6. Seasonal off-premise farm product directional signs shall be located outside of the road-right-of-way or easement.
  7. Seasonal off-premise farm product directional signs may be displayed only during growing season.
- E. **Farm Product Signs - Temporary On-Premise** Farm product signs in only the RC, A1 and A2 districts, subject to the following.
1. Not to exceed thirty-two (32) square feet in area and five (5) feet in height.
  2. Not to be displayed beyond the growing season.
- F. **Historical Markers**
- G. **Historical Signs Integrated into the Construction of a Building** Names of buildings, dates 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.
- H. **Institutional Bulletin Boards and Signs** Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his/her public duty, such as directional signs, regulatory signs, and information signs. These shall include off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permission of the Township Board. These off-premise signs shall be no more than nine (9) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of fifteen (15) feet from the road right-of-way line.
- I. **Nameplates** A sign containing only a name and address not exceeding two (2) square feet in size.
- J. **"No hunting", "No fishing", "No trespassing" signs**
- K. **Political Campaign Signs** Temporary political campaign signs announcing candidates seeking public political office and other election issues pertinent thereto shall be permitted up to a total area of eight (8)

square feet for each sign in a residential zone and thirty-two (32) square feet in a commercial or industrial zone. Political signs shall be erected on private property only and shall be no less than one hundred (100) feet from any entrance to a building in which a polling place is located. Political signs shall be removed within ten (10) days after the date of said election. These signs may be displayed sixty (60) days prior to and seven (7) days after the election for which intended. Timing for political signs expressing viewpoints but not related to an election shall not be limited.

- L. **Street Numbers** Street numbers shall be permitted and may be illuminated.

#### **Section 14.9 Permitted Signs in RC, A1, A2, R1 and R2 Districts**

- A. **Public/Quasi-Public Identification Sign** One (1) identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful non-conforming use, except home occupations. Each sign shall not exceed eighteen (18) square feet in area and five (5) feet in height. The setback from the public road right-of-way or road easement shall not be less than fifteen (15) feet.
- B. **Identification Signs for Subdivisions or Other Residential Developments** One (1) identification sign shall be permitted for each public road frontage, for a subdivision, multiple-family building development and Mobile Home Park. Each sign shall not exceed eighteen (18) square feet in area nor exceed five (5) feet in height. The setback from the public road right-of-way or road easement shall not be less than fifteen (15) feet.
- C. **Signs for Bed and Breakfasts** Signs not customarily found in residential areas shall be prohibited, provided however, one (1) sign, not more than twelve (12) square feet in area and not more than five (5) feet in height shall be permitted for a bed and breakfast operation. The sign shall be setback fifteen (15) feet from the road right-of-way and shall meet all other applicable regulations. (See Section 5.10, Bed and Breakfast Accommodations)

- D. **Signs for Home Occupations** Signs not customarily found in residential areas shall be prohibited, provided however, that one (1) non-illuminated name plate, not more than twelve (12) square feet in area may be attached to the building and which sign shall contain only the name, occupation, and address of the premises. The Zoning Administrator may determine that if the building cannot be seen from the road right-of-way, a sign such as described above may be located no less than fifteen (15) feet from the front property line and/or the road right-of-way whichever is greater. Exact location of the sign to be determined by the Zoning Administrator. See Section 6.10, Home Occupations

## **Section 14.10 Permitted Signs in NC and LI Districts**

- A. **Single Building** Signs permitted for single buildings on developed lots or groups of lots developed as one (1) lot, not in a shopping center and not subject to Section 14.10 B, Business Center, are subject to the following:
1. **Area of Signs** Each developed lot or parcel shall have a maximum area of sixty (60) square feet of sign area for all exterior on-site signs.
  2. **Number of Signs** Each developed lot or parcel shall be permitted one (1) exterior on-site sign. With the exception that for every developed lot or parcel which is located at an intersection of two (2) paved roads, two (2) exterior on-site signs shall be permitted, but in combination shall not exceed sixty (60) square feet in area. Only one (1) freestanding identification sign shall be permitted on any single road.
  3. **Nature of Signs** Each sign shall pertain exclusively to the name and type of business carried on within the building.
- B. **Business Centers** Signs permitted for a shopping center or other integrated group of stores; commercial buildings, office buildings or industrial buildings and not subject to Section 14.10. A. are subject to the following:
1. **Commercial Shopping Centers - Freestanding Sign** Each permitted freestanding sign shall state only the name of the shopping center and the major tenants located therein.
    - a. **Number of Signs** Each shopping center shall be permitted one (1) free-standing identification sign for each frontage on a paved road.

- b. **Sign Dimensions** The maximum area of each free standing sign shall be sixty (60) square feet, with a maximum height of five (5) feet. Tenants of a shopping center shall not be permitted individual free-standing identification signs.
- 2. **Commercial Shopping Centers - Wall Signs** Each sign shall pertain exclusively to the name and type of business carried on within the building.
  - a. **Number of Signs** Each business in a shopping or commercial district with ground floor or second floor frontage shall be permitted one (1) exterior wall sign.
  - b. **Sign Dimensions** The area for such an exterior wall sign shall be computed at one (1) square foot for each one (1) linear foot of building frontage occupied by the business, not to exceed forty (40) square feet. Businesses that occupy a second story shall be permitted one (1) wall sign computed at three quarters (0.75) of one (1) square foot for each one (1) lineal foot of building frontage occupied by the business, not to exceed thirty (30) square feet.
- 3. **Office/Industrial Parks – Free Standing Sign** A free standing sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to the 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 office or industrial park sign shall be greater than eight (8) feet in length. All park signs shall be located at least thirty-three (33) feet from the centerline of the minor intersecting road and at least sixty (60) feet from the centerline of the major intersecting road.
- 4. **Office/Industrial Parks - Wall Signs** Each sign shall pertain exclusively to the name and type of business carried on within the building.
  - a. **Number of Signs** Each business in a office or industrial park shall be permitted one (1) exterior wall sign.

- b. **Sign Dimensions** The area for such an exterior wall sign shall be computed at one (1) square foot for each one (1) linear foot of building frontage occupied by the business, not to exceed fifty (50) square feet.
- C. **Window Signs** Window signs shall be permitted
- D. **Time and Temperature Sign** A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
- E. **Service Station Signs** In addition to the provisions of Sections 14.8 B. above, that may apply; an automobile service station may have one (1) additional sign for each public road for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

Notwithstanding any of the provisions of this Section, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by State law or regulation. No signs shall be attached to light standards. No signs shall be attached to fuel pump canopies except those identifying "self-service" and "full-service" pumps or similar messages, in which case the maximum sign size shall be six (6) square feet.
- F. **Canopy or Marquee Signs** 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 requirements of Article 14 of this ordinance are complied with; 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.
- G. **Menu Board** Two (2) menu board for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations, provided such sign does not exceed twenty (20) square feet in area or six (6) feet in height from finished grade.
- H. **Billboards** The following regulations shall apply to billboards.

1. **Where Permitted** Billboards are permitted only on undeveloped and vacant unimproved lots in NC and LI Districts, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
  - a. Billboards shall be considered the principal use of such lots and shall not be placed on a lot where another approved billboard sign is located. Tandem stacked, double faced, or "V" shaped billboards are not permitted.
  - b. Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another.
2. **Spacing**
  - a. Where two (2) or more outdoor advertising signs are located along the frontage of a road or highway, they shall be not less than (1,000) feet apart.
  - b. No billboard shall be located within five hundred (500) feet of a residential zone and/or existing residence.
  - c. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or twenty-five (25) feet from any interior boundary lines of the premises on which the billboard is located.
3. **Sign Measurements**
  - a. **Area** The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet.
  - b. **Height** Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level.

4. **Illumination** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate, or give that appearance.
5. **Construction and Maintenance**
  - a. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
  - b. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
  - c. A billboard shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area; and
  - d. Not be hazardous or disturbing to existing or future uses.

#### **Section 14.11 Temporary Signs**

On-site temporary exterior signs may be erected in accordance with the regulations of this Article.

- A. **New Development Signs** In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70%) percent of all lots or units within said subdivision or development.
- B. **Contractor Signs** One (1) identification sign shall be permitted for all building contractors, one (1) for all professional design firms and one (1) for all lending institutions on sites under construction, each sign not to exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one (1) site. If all building contractors, professional design firms and lending institutions combine together in one (1) identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one (1) sign permitted on one (1) 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 final inspection by the Zoning Administrator.

- C. **Real Estate Directional Signs** Temporary real estate directional signs, not exceeding six (6) square feet in area and four (4) in number, showing a directional arrow and placed outside of the right-of-way, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
- D. **Community Special Events** 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 twenty-one (21) days prior to the event or function. If building-mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 14.3, General Sign Regulations, of this Ordinance.
- E. **"For Sale/Rent/Lease"**
1. **Residential Real Estate** One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in the RC, A1, A2, R1 and R2 districts provided, such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet. If the lot or parcel has a multiple frontages, one (1) additional sign not exceeding six (6) square feet in area shall be permitted on the property on each frontage. Under no circumstance shall more than two (2) such signs be permitted on a lot or parcel. Such sign (s) shall be removed within seven (7) days after sale.
  2. **Non-Residential Real Estate** One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in the NC and LI districts provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of twenty (20) square feet and a height of twelve (12) feet. If the lot or parcel has multiple frontages, one (1) additional sign not exceeding twenty (20) square feet in area shall be permitted on the property on each frontage. Under no circumstance shall more than two (2) such signs be permitted on a lot or parcel. Such sign(s) shall be removed within seven (7) days after sale.
- F. **Banners, Pennants, Etc** Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in for a period not to exceed thirty

(30) consecutive days. Such signs and objects shall not obstruct pedestrian or vehicular view.

## **Section 14.12      Miscellaneous Signs**

**A. Changeable Copy Signs** Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign provided that the area devoted to changeable copy does not exceed twenty (20%) percent of the permissible sign area. "Lettering used on manual changeable shall be no greater than six (6) in height."

**B. Off-Premise Directional Signs** Off-premise directional signs directing vehicular traffic to a church, governmental building, or educational institution may be permitted in all districts subject to the review of Zoning Administrator and the following standards:

1. No more than two (2) signs per use shall be permitted.
2. The size of an off-premise directional sign shall not exceed six (6) square feet in size.
3. The height of an off-premise directional sign shall be no less than three (3) feet or to exceed six (6) feet. However, variations in height may be granted by the Zoning Administrator to accommodate vehicular visibility to avoid obstruction to visibility.
4. Illumination shall not be permitted.
5. Proof shall be supplied by the applicant that all appropriate standards of the County Road Commission are met. Permission of the property owner where the proposed sign is to be located must be provided.

## **Section 14.13      Removal of Signs**

- A. **Removal** The Township Zoning Administrator shall order the removal of any sign erected or maintained in violation of this ordinance, found unsafe or determined to be abandoned.
- B. **Violation** The Township Zoning Administrator shall order the removal of any sign erected or maintained in violation of this ordinance. Ten (10) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with this ordinance. Upon failure, by the owner, to remove the sign or to comply with this notice in good faith, and the Zoning Administrator finds that the sign is still in violation after the ten (10)

day notice period, the Township may have the sign removed and the removal expense will be added to the tax roll.

- C. **Unsafe** The Township shall remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such condition as to present an immediate threat to the safety of the public.
- D. **Abandoned** If the business or activity to which the sign pertains is determined to be abandoned, the Township Zoning Administrator shall exercise all reasonable means at his/her disposal to determine whether the abandonment actually has occurred. If, after completion of the investigation he/she determines that the business or activity has been abandoned for a period of ninety (90) days or more, the Township will undertake to remove and dispose of the sign or institute legal proceedings, if warranted. Removal costs will be added to the tax rolls.
- E. **Non-Conforming Signs** Where a lawful sign or sign structure exists at the effective date of adoption of this Ordinance that could not otherwise be built under the terms of this Ordinance by reason of height, size, setback, or other characteristics, such sign or sign structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - 1. No such sign or sign structure may be enlarged or altered in a way, which increases its non-conformity.
  - 2. A change solely in the wording of the copy will not be considered an increase in non-conformity.
  - 3. Any proposed modification to the sign structure, except as noted in 2. above, will require reconstruction or relocation in conformity with the provisions of this Ordinance.

4. Should such sign be destroyed by any means to an extent of more than fifty (50%) percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
  5. All non-conforming signs shall be registered with the township. The Zoning Administrator shall register and keep a list of all non-conforming signs and their location.
- F. **Removal without Notice** The Township Zoning Administrator may without notice remove or order the removal of any sign in violation of this Ordinance, if any one (1) of the following conditions occur:
1. When the sign owner or location of the responsible part is not known.
  2. Sign is placed in the public right-of-way.
  3. Sign is placed on private property without the consent of the landowner.

#### **Section 14.14 Non-Conforming Signs**

Non-conforming signs shall not be re-established after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.



## **Article 15**

### **Zoning Board of Appeals**

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#### **Section 15.1      Establishment of Zoning Board of Appeals**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by P.A. 110 of 2006 (MCL 125.3601-125.3607), the Michigan Zoning Enabling Act, as amended, and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

#### **Section 15.2      Membership and Terms of Office**

- A.    **Membership**    The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. One member of such Zoning Board of Appeals shall be a member of the Township Planning Commission, another, a member of the Township Board. The Township Board member shall not serve as chairperson of the Zoning Board of Appeals. The other regular members and any alternate members shall be selected and appointed by the Township Board from the electors residing in the unincorporated area of the Township. An employee or contractor of the Township Board shall not serve as a member or an employee of the Zoning Board of Appeals.

A member who is also a member of the Planning Commission or Board cannot participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission or Board. However, that member may consider and vote on other unrelated matters involving the same property.

- B.    **Alternate Members**    The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more consecutive meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- C. **Terms of Office** Members of the Zoning Board of Appeals shall have a term of three (3) years, except that the first three (3) electors shall be appointed for staggered terms of 1, 2 and 3 years, provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the elector member or as an employee of the Zoning Board of Appeals. Members serving because of their membership on the Planning Commission or Township Board, shall have terms limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms or resignations shall be filled for the remainder of the term.
- D. **Chairman** A Chairman, Vice-Chairman and Secretary of the Zoning Board of Appeals shall be elected from among its members each year at the first meeting held in each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairman.
- E. **Removal of Members/Conflict of Interest**
  - 1. The Township Board shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.
  - 2. A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

### **Section 15.3 Rules of Procedure, Majority Vote**

- A. **Bylaws** The Zoning Board of Appeals shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities.
- B. **Quorum** The Board shall not conduct business unless a majority of its members are present.
- C. **Majority Vote** The concurring vote of a majority of the full membership of the Zoning Board of Appeals (ZBA) shall be necessary to reverse any order, requirement, decision or determination of the Township Board, Planning Commission or Zoning Administrator. A concurring vote of a majority of the full membership of the ZBA, or to decide in favor of the applicant any matter upon which they are required to pass under this

Ordinance or to effect any variation in this Ordinance due to practical difficulty or other matters requiring the Board's action under those provisions specified in this Ordinance.

- D. **Representation** Any person(s) may appear on their own behalf at a hearing, or may be represented by an agent or attorney.
- E. **Timeliness** The Zoning Board of Appeals shall decide upon all matters within a reasonable time from the filing date. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- F. **Oaths** The Chair of the Zoning Board of Appeals, or in the Chairman's absence, the acting chair, may administer oaths and compel the attendance of witnesses.
- G. **Minutes** shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

#### **Section 15.4 Meetings**

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.
- B. All meetings of the Zoning Board of Appeals shall be open to the public.

#### **Section 15.5 Powers and Duties**

The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance, except as otherwise provided in this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of 2006, so that the objectives of this ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.

A. The Zoning Board of Appeals shall:

1. Hear and decide appeals from, and review any order, requirement, decision or determination made by the Planning Commission or Zoning Administrator in the administration of this Ordinance as hereinafter provided. In doing so, the Zoning Board of Appeals shall interpret the provisions of this Ordinance and grant variances from the strict application of any of the provisions of this Ordinance.
2. Decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.
3. Grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or in the way of such strict application. No variance shall be granted to permit the establishment within a district of any use which is excluded, or for which a special use permit is required.
4. Permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
5. Determine the classification of off-street parking and loading requirements in Article 13.
6. Grant or deny requests for substitutions of non-conforming uses. The use being considered as a substitute must be equal to or less intense than the non-conforming use being replaced.

B. The Zoning Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the terms of this ordinance, and shall not take any action which would have as a result the making of legislative changes in this ordinance.

## **Section 15.6 Variances**

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

- A. A written application for a variance is submitted, demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.
  2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
  3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
  4. That no non-conforming use of other lands, structures, or buildings in the same zoning district, and the uses of lands, structures or buildings not permitted in other zoning districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met in the zoning district in which it is located by the applicant for the variance requested.
- C. The Zoning Board of Appeals shall further make a finding 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 in the zoning district in which it is located.
- D. The Zoning Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.
- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Reasonable conditions are permitted if they are necessary to insure that public or private services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, caused by the land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility with

adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land-use or activity under consideration; residents and land owners immediately adjacent to the proposed land use or activity; and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of this Zoning Ordinance; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.
- F. Violations of any required conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 3.9, Enforcement.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.

## **Section 15.7      Variance Procedures**

- A. **Filing** An application for a variance shall be filed with the Township Clerk by the record owner of the lot in question or by a person(s) authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required in this Section. The Clerk shall transmit the application and information to each member of the Zoning Board of Appeals and to the Zoning Administrator within seven (7) days of the filing date.
- B. **Information Required** Each application for a variance shall contain the following information:
1. Legal description, address, and tax parcel number of the subject lot.
  2. An accurate, scaled drawing of the lot, showing all property lines, dimensions, and bearings or angles, correlated with the legal description; all existing and proposed structures and uses on the lot; actual measurements of structure dimensions and locations on the

drawing; lot area; and all calculations necessary to show compliance with regulations of the zoning ordinance.

3. Name and address and phone numbers of the applicant, and property owner(s), and the interest of the applicant in the property.

C. **Standards for Review** The Zoning Board of Appeals shall not grant a variance unless and until all of the following standards are met:

1. 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 of 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. Any non-conforming use of neighboring lands, structures or buildings in the same district, any permitted or non-conforming uses of lands, structures or buildings in other districts; or any non-conforming structures shall not be considered grounds for the issuance of a variance.
6. A variance granted shall be the minimum variance that will make possible the reasonable use of the land, building or structure.
7. The variance granted shall be in harmony with the intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

8. In granting any variance, the Zoning Board of Appeals may establish appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance, and punishable under Section 3.9, Enforcement, herein.
9. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permitted under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the district.

### **Section 15.8 Voiding of and Re-application for Variances**

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one year (1) after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

### **Section 15.9 Procedure for Appealing to the Zoning Board of Appeals**

All questions concerning interpretation and application of the provisions of this ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law.

- A. **Procedure** Appeals shall be filed within thirty (30) days of the decision in question. The appeal shall be filed with the Township Clerk. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven (7) days of the filing date. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.
- B. **Who May Appeal** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or

bureau of the Township, County, State, Federal or other legally constituted form of government or anyone seeking an interpretation of the Zoning Map or textual provisions upon application and payment of the required fees and performance guarantees, if required.

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

During the appeal process, the appellant shall discontinue the alleged illegal action or condition unless expressly permitted by the Zoning Board of Appeals, or a court of record, due to imminent peril to life or property.

- D. **Change in Variance Requested** The Zoning Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.
- E. **Fee for Appeal** A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- F. **Hearing by the Zoning Board of Appeals** When a written request for appeals has been filed in proper form with the Zoning Board of Appeals, a notice of the public hearing shall be published in at least one (1) newspaper of general circulation and sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date that the public hearing will be held. The notice of public hearing shall:
1. Describe the nature of the request.
  2. Describe the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the

property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the public hearing will be held.
  4. Indicate when and where written comments will be received concerning the request.
- G. **Representation at Hearing** During a hearing, any party or parties may appear in person or by agent or by attorney.
- H. **Decision** The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator, Township Board and Planning Commission from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be final and be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

## **Section 15.10 Site Plan Requirements**

If an application or appeal to the Zoning Board of Appeals involves the construction, alteration or expansion of a building, structure or use which requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary and final site plan approval as set forth in Article 9, Site Plan Review. The following sequence for submission shall be followed:

- A. The Planning Commission shall review said plan and shall determine the layout and other features required to obtain approval of the preliminary site plan, contingent on the variances granted by the Zoning Board of Appeals.
- B. The Planning Commission transmits the approved preliminary site plan and the Commission's findings therein to the Zoning Board of Appeals. The Zoning Board of Appeals shall, upon deciding on the application for appeal, return the plan, its decision and its recommendations therein to the Planning Commission for action.

- C. The applicant after making changes to the preliminary site plan relating to the recommendations of the Zoning Board of Appeals shall submit the final site plan to the Planning Commission for final site plan approval.



## **Article 16**

### **Amendments**

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#### **Section 16.1      Amendments to the Ordinance**

- A.    **Initiating Amendments** The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, or by petition of one (1) or more property owners of Bunker Hill Township, or by one (1) or more persons acting on behalf of, and with the written consent of a property owner(s) of Bunker Hill Township. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before action may be taken thereon by the Township Board.
- B.    **Fees** The Township Board shall establish, by resolution, fees for zoning amendment petitions. The fee shall be paid in full at the time of filing of the petition, and no part of the fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed or requested by any government agency or body.
- C.    **Amendment Procedures** The procedure for amending this ordinance shall be in accordance with Act 110 of the Public Acts of 2006.
1.    The original petition and fourteen (14) copies thereof shall be filed with the Township Clerk. The Clerk shall transmit the petition and six (6) copies thereof to the Township Planning Commission for review and report to the Township Board. The Planning Commission shall conduct at least one (1) public hearing on the petition. Notice of the public hearing shall be given in the following manner:
  2.    The notice of the request shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date the application will be considered by the Planning Commission.
  3.    The notice shall also be sent not less than fifteen (15) days before the date the application will be considered by the Planning Commission to all persons to whom real property is assessed within three hundred (300) feet of the property and to occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning

jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification.

- D. **Notices to Utilities/Railroads/Airports** Each electric, gas, pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Planning Commission shall receive a notice.
- E. **Required Notice** The notice shall do all of the following:
1. Describe the nature of the request.
  2. Indicate the property that is the subject of the request.
  3. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property.
  4. If there are no street addresses, other means of identification may be used.
  5. State when and where the request will be considered.
  6. Indicate when and where written comments will be received concerning the request.
  7. Indicate the place(s) and time at which the request may be examined.
  8. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning the Township shall provide written notice in accordance with the requirements of Section 16.1.C.3, above.
  9. If eleven (11) or more adjacent properties are proposed for rezoning, the Township may exempt individuals identified in Section 16.1.C.3, herein. In addition, the notice does not require the information provided in Section 16.1.C.5.c, herein.
  10. The Planning Commission shall report its findings, a summary of comments from the public hearing, and its recommendations for disposition of the petition to the Township Board following the public hearing within a reasonable amount of time from the filing date. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer it to the

Planning Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.

## **Section 16.2      Information Required**

- A.    **Map Amendments** When the petition involves an amendment to the official zoning map, the petitioner shall submit the following information:
1.    A legal description of the property, including a street address and the tax code number(s).
  2.    A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  3.    The name, address and phone number of the petitioner.
  4.    The petitioner's interest in the property; if the petitioner is not the record owner, the name and address and phone number of the record owner(s), and that owner(s) signed consent to the petition.
  5.    Signature(s) of petitioner(s) and owner(s), certifying the accuracy of the information. In the event that a petition for a zoning amendment is initiated by the Township Board or the Planning Commission, the certification of information and certification signature by the owner(s) shall not be required.
  6.    Identification of zoning classification requested, existing zoning classification of subject property.
  7.    Vicinity map showing location of property, and adjacent land uses and zoning classification.
- B.    **Text Amendments** When a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:
1.    A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including, all changes in the zoning ordinance necessary to accommodate the proposed amendment. Additions shall be indicated by the use of all capital letters, deletions by strike through (e.g. of the text to be eliminated or changed).
  2.    Name, address and phone number of the petitioner.

3. Reasons for the proposed amendment.

### **Section 16.3      Criteria for Amendment of the Official Zoning Map (Rezoning)**

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission and the Township Board shall consider the following criteria in making its findings, recommendations and decision.

- A. Consistency with the goals, policies and Future Land Use Map of the Bunker Hill Township Master Plan, including all applicable sub-area and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
- F. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
- G. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

## **Section 16.4      Criteria for Amendment of the Official Zoning Ordinance Text**

The Planning Commission and Township Board shall, at minimum, consider the following before taking action on any proposed amendment.

- A.      Compatibility with the basic intent and purpose of the Zoning Ordinance.
- B.      Consistency with the goals and objectives and future land use map of the Bunker Hill Township Master Plan, including any sub-area or corridor studies.
- C.      The requested amendment will correct an error in current appropriate documentation.
- D.      The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges.
- E.      The requested amendment will not result in unlawful exclusionary zoning.
- F.      There is documentation from Township staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- G.      The requested amendment will address changes in state legislation, other Township ordinances, or federal regulations.
- H.      The requested amendment will resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

## **Section 16.5      Publication**

Following Township Board approval of a petition to amend the zoning ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Bunker Hill Township. The notice of adoption shall include the following information:

- A.      Summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- B.      The effective date of the amendment.

- C. The place and time where a copy of the ordinance may be purchased or inspected.
- D. A copy of the notice shall be mailed to the airport manager as noted in Section 16.1.C.4.

## **Section 16.6 Referendum**

Within seven (7) days following the adoption of an amendment to the zoning ordinance, a registered elector of the Township may file with the Township Clerk a notice of intent to file a petition for a referendum on an ordinance, part of an ordinance or amendment, requesting therein for the submission of the ordinance, ~~part of the ordinance~~ or amendment to the electors residing in the unincorporated portion of Bunker Hill Township for their approval. If a note of intent is filed, then within thirty (30) days following the publication of said amendment or ordinance, a petition signed by a number of registered electors residing in the portion of the Township outside the limits of cities and villages equal to not less than fifteen (15%) percent of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the Township may be filed with the Township Clerk requesting the submission of an ordinance, part of an ordinance or amendment to the electors residing in the portion of the Township outside the limits of cities and villages for their approval. Upon the filing of the notice of intent, the ordinance, part of the ordinance or amendment adopted by the Township Board shall not take effect until one of the following occurs:

- A. The expiration of thirty (30) days after publication of the ordinance, or part of the ordinance, if a petition is not filed within that time.
- B. If a petition is filed within thirty (30) days after publication of the ordinance, or part of the ordinance, the Township Clerk determines that the petition is inadequate.
- C. If a petition is filed within thirty (30) days after publication of the ordinance the Township Clerk determines that the petition is adequate and the ordinance, part of the ordinance or amendment is approved by a majority of the ~~of the~~ registered electors residing in the portion of the Township outside the limits of cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting an ordinance, part of an ordinance, or amendment to the electors for their approval or rejection, and determining the result of the election.

## **Section 16.7      Conditional Rezoning of Land**

As an alternative to a rezoning amendment as described in Section 16.1 of this Ordinance, the Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Act No. 110 of Public Acts of Michigan of 2006 as amended. It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- A. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Section 16.1.C. Amendment Procedures.
- B. In addition to the procedures as noted in Section 16.1.C. Amendment Procedures, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
  - 1. A conditional rezoning request must be voluntarily offered by an owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
  - 2. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
  - 3. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article 15 of this Ordinance.
  - 4. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Article 7, Special Land Use Procedures.

5. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
6. In addition to the informational requirements provided for in Section 16.2.A., of this Ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

**C. Time Limits and Reversion of Land to Previous District**

1. If the proposed conditions of rezoning are acceptable to the Township, the Township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 16.1.C., of the Zoning Ordinance.
2. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
3. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and Township shall be filed with the County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Township.
4. The Township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.

5. The time limits specified and approved by the Township Board may be extended upon the application of the landowner and approval of the Township Board.

- D. **Review Procedures** The factors found in Section 16.3 of this Ordinance must be considered in any conditional rezoning request

## **Section 16.8 Conformance to Court Decree**

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.



## **ARTICLE 17**

### **EFFECTIVE DATE OF NEW ORDINANCE**

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#### **Section 17.1      Effective Date of Updated Ordinance**

This updated Ordinance shall become effective when a true copy of the same is first published in its entirety or in synopsis form following passage by the Township Board of Bunker Hill Township.

Made and passed by the Township Board of Bunker Hill Township, Ingham County, Michigan on this \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_.

1.     Date of Public Hearing \_\_\_\_\_.
2.     Date of adoption by Township Board \_\_\_\_\_.
3.     Date of Publication \_\_\_\_\_.
4.     Effective Date \_\_\_\_\_.

Attest:

\_\_\_\_\_  
**Township Supervisor**

\_\_\_\_\_  
**Township Clerk**

## Certificate of Township Clerk

I, \_\_\_\_\_, Bunker Hill Township Clerk for the Township of Bunker Hill, do hereby certify that the above Ordinance was updated by the Township Board of Bunker Hill Township, Ingham County, Michigan on \_\_\_\_\_ by a vote of the Township Board as follows:

**Name of Member Voting**

**Vote**

I further certify that the said Ordinance was published in \_\_\_\_\_, a newspaper circulating within Bunker Hill Township, on \_\_\_\_\_.

I further certify that the said Ordinance was filed with the Ingham County clerk on \_\_\_\_\_.

\_\_\_\_\_  
**Township Clerk**