

**HOPE TOWNSHIP**  
**ZONING ORDINANCE**

*FINAL DRAFT JULY 2002*

**MIDLAND COUNTY, MICHIGAN**



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INSERT  
ZONING DISTRICTS MAP

# **ZONING ORDINANCE OF HOPE TOWNSHIP MIDLAND COUNTY, MICHIGAN**

An ordinance to establish zoning districts and to enact provisions regulating the uses of land and natural resources in portions of Hope Township, Midland County, Michigan in accordance with Public Act 184 of 1943, The Township Rural Zoning Act, as amended.

## **CHAPTER 1 PREAMBLE**

### SECTION 1.1 TITLE

This Ordinance shall be known as the “Zoning Ordinance of Hope Township” and shall be referred to as “this Ordinance.”

### SECTION 1.2 PURPOSE

This Ordinance is based on the Hope Township Master Plan and designed to be the primary means for its implementation. It sets forth regulations and standards for the uses of land, structures, and natural resources of the Township and for development, redevelopment or restoration of all property by establishing requirements requisite to proper land use. The regulations of this Ordinance accomplish the purposes and objectives as outlined below by providing for land uses within each district, by acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; by promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures by defining maximum residential density and specifying the percentage of a site available for building by providing for basic site design standards to ensure that land is developed in a functional and aesthetic manner, and by requiring various setbacks from property lines and public street rights-of-way.

The objectives of the Hope Township Ordinance are:

- A. To promote the public health, safety, and general welfare;
  - B. To ensure that land uses shall be in appropriate locations and in proper relationships with other uses;
  - C. To provide for open spaces in order to prevent the overcrowding of land and congestion of population, transportation, and public facilities;
  - D. To provide for adequate and efficient transportation, sewage disposal, water, and energy systems, and for recreation, public safety, and other public service and facility needs;
  - E. To cause and perpetuate the wise use of lands and natural resources in accordance with their character and their adaptability to development or not;
  - F. To eliminate the improper use of land;
  - G. To effect the proper and orderly development of the Township; and
  - H. To accomplish the goals and objectives of the Township’s Master Plan.
- To meet these objectives, Hope Township is divided into districts of such number, shape and area, and of such common purpose, adaptability or use, that are deemed most suitable to protect

the common rights and interests within each district and the Township as a whole, to preserve the property owners' rights to the use of their lands, and to promote quality of life and business vitality.

The Zoning Districts Map delineates land uses within the Township and is organized into four basic zones:

Agricultural District  
Forested District  
Residential District  
Commercial District

Regulations for each district are divided into six parts:

Intent and Purposes  
Permitted and Conditional Uses  
Property Development Standards  
Performance Standards  
Accessory Structures and Uses  
Miscellaneous Regulations.

### SECTION 1.3 SCOPE

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- B. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- C. Zoning applies to every building, structure, or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards, lots, or setback areas, created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may change ownership.
- F. The regulations herein established shall be minimum regulations for promoting and protecting the public health, safety, and welfare.

#### SECTION 1.4 AUTHORITY

This Ordinance is enacted in accordance with Act 184 of the Public Act of 1943, as amended.

#### SECTION 1.5 VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. 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 the Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

#### SECTION 1.6 EFFECTIVE DATE

- A. The previous Hope Township Zoning Ordinance adopted 16 August 1996 along with all amendments is hereby rescinded.
- B. This Ordinance is adopted by the Hope Township Board on [XXX], and is ordered to take effect on [XXX].

## **CHAPTER 2 DEFINITIONS**

### SECTION 2.1 RULES APPLYING TO THE TEXT

The following rules of construction shall apply to the text of this Ordinance.

- A. Except with respect to the headings contained in Section 2.2, the headings that title a chapter, a section or a subsection of this Ordinance are for the purposes of organization and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting any of its terms or provisions in any respect.
- B. The illustrations contained within this Ordinance are intended to exemplify hypothetical applications of the provisions of the text that refer to them and shall not have the effect of enlarging or restricting those terms or provisions. In the event of any conflict between the provisions of the written text of the Ordinance and the illustrations, the text shall govern.
- C. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. A "building" or "structure" includes any part thereof unless specifically excluded.
- F. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or any combination of them as well as a natural person.
- G. The words "used" and "occupied", as applied to any land, building or structure, shall be construed to include the phrases "intended to be", "arranged to be" or "designed to be" used or occupied.
- H. The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- I. The particular shall control the general.
- J. Terms not herein defined shall have common, customary meanings.

## SECTION 2.2 DEFINITIONS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

**Accessory Building or Structure** is a building or structure that is detached from the principal building located on the same lot and is customarily incidental to the principal building.

**Accessory Use** shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of such lot or building.

**Adult Entertainment Establishment** is any one, or combination of the following: adult bookstore, adult tavern or bar, adult cabaret, adult live entertainment, adult mini-motion picture theater, adult motion picture theater, adult novelty, adult video sales or rental, or related adult amusement. Any business that devotes more than thirty (30%) percent of its total sales, stock, or trade to adult uses shall be considered an adult entertainment establishment. "Adult" in this context shall mean sexually explicit materials and actions not intended for exhibit to minors.

**Agriculture** is farms and general farming, including horticulture, floriculture, dairying, fish farming, livestock, and poultry raising, and other similar enterprises or uses.

**Alley** is a service way providing a secondary means of public access to abutting properties and not intended for general traffic circulation.

**Bed and Breakfast Establishment** is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests do not stay more than seven (7) consecutive days and are provided a sleeping room and a breakfast in return for payment.

**Bonafide Commercial Agricultural Operation** is the raising of plants or animals, commonly grown in Central Lower Michigan, on a parcel of land appropriate for a continuing agricultural enterprise.

**Building** is any structure which is erected having a roof supported by columns or walls.

**Building Height** shall mean the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, mechanical equipment, chimneys, or other such incidental appurtenances.

**Building Site** shall mean a legally created parcel or contiguous parcels of land in single or joint ownership that provides the area and the open spaces required by this Ordinance for the location or construction of a building, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

**Development Site Plan** is the documents and drawings required by the Zoning Ordinance necessary to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

**Drive-through Business** is a business establishment organized so that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in their vehicles.

**Dwelling, Multiple-Family** is a building containing three (3) or more dwelling units with a minimum 500 square feet per dwelling unit, designed for exclusive use and occupancy by three (3) or more families.

**Dwelling, Single-Family** is a building designed for exclusive use and occupancy as a dwelling unit by one (1) family, complying with the following standards:

1. A single-family dwelling shall have a minimum of 720 square feet of living space.
2. It complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of P.A. 230 of 1972, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards and regulations for construction are different from those imposed by the state building code, then, and in that event, such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the District Health Department.
6. The dwelling contains a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to, or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less.
7. The dwelling contains no additions or rooms or other areas which do not meet the same construction requirement listed above and are permanently attached to the principal structure.

8. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all 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 and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
10. All construction required herein shall be commenced only after a zoning permit and building permit have been obtained in accordance with the applicable health and building code provisions and requirements.

**Dwelling, Two-Family (Duplex)** is a building containing two (2) separate dwelling units, both units having a minimum 720 square feet, designed for residential use by no more than two (2) families and connected by either a common wall or an attached garage area.

**Dwelling Unit** is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation.

**Essential Service** is a service utility which is needed for the health, safety, and welfare of the community. In Michigan, these services are controlled by the Public Services Commission.

**Family** is an individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

**Flag Lot** is a lot not fronting on or abutting a road where access to the road is by a narrow, private right-of-way.

**Floor Area** is the total area of the floor space within the outside walls of a building, excluding porches, breezeways, garages, attics, basements, utility areas, cellars or crawl spaces, but which may include that portion of a walkout basement that is finished for everyday living and not just for storage or occasional use.

**Frontage** is the continuous length along which a parcel of land fronts on a road or street, measured along the line where the property abuts the street or road right-of-way.

**Garage - Private** is a detached accessory building or portion of a main building used only for the parking or storage of vehicles.

**Garage - Public** is a building other than a private garage used for the commercial purpose of parking, storing, repairing or equipping motor vehicles.

**Home Occupation** is an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly ancillary to the use of the dwelling for residential purposes. No more than two non-family members may be employed in such activity; outdoor storage shall be completely screened; and no activity shall become a nuisance to its immediate neighbors or neighborhood.

**Indoor Recreation Establishment** is a facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as health and fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

**Inn, Boarding or Lodging House** is an establishment other than a hotel where, for compensation and by prearrangement for definite periods, lodging, meals, or both are provided for three (3) or more, but not exceeding twenty (20), persons.

**Kenel** is any land, building, or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for profit.

**Land Division** is any splitting or dividing of a plot of land (parent parcel) that results in the creation of a new defined parcel or parcels of land from the original parent parcel.

**Lane** is a service way providing a secondary means of public access to abutting properties and not intended for through traffic.

**Large Scale Livestock Operation** is a farming enterprise where numbers of animals significantly more than historically raised in general agriculture are raised usually in confinement or dry lot, also known as a large confined animal feeding operation.

**Loading Area** is a space on the same lot with a building, or group of buildings, for the temporary parking of commercial vehicles while loading and unloading merchandise or materials.

**Lot** is a parcel of land separated from other parcels of land by a recorded description in a plat, by metes and bounds, or a condominium master deed, having frontage upon a public or private street and having sufficient size to comply with the requirements of this Ordinance.

**Lot Area** is the total area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

**Lot Coverage** is a part or percent of a lot occupied by buildings or structures and other impervious surfaces.

**Lot Depth** is the arithmetic mean of the shortest and longest distance from the front lot line to the rear lot line.

**Lot Line** is the line bounding a lot, parcel, or general or limited common element that separates the lot, parcel, general or limited common element from another lot, parcel, general or limited

common element, existing street right-of-way, approved private road easement, or the ordinary high water mark.

**Lot Line, Front** is the lot line separating a lot or parcel from a street right-of-way (refer to Figure 1), or in the case of a lake lot, the ordinary high water mark.

**Lot Line, Rear** is the lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (refer to Figure 1).

Figure 1

**Lot Line, Side** is any lot line not a front or rear lot line (refer to Figure 1).

**Manufactured Home** is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term residential use and is wholly or substantially constructed at an off-site location, transported to a site, and erected.

**Mobile Home** is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, HVAC, and electrical system in the structure. Mobile home does not include a recreational vehicle or motor home.

**Motor Vehicle Sales and/or Repair** is any establishment engaged in the sale, rental, or leasing of new or used automobiles, motorcycles, vans, pick-up trucks, recreational vehicles, or travel trailers, or a business performing repairs on such vehicles.

**Motor Vehicle Service Facility** is any establishment engaged in the direct retail sale of gasoline or other engine fuels, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or repair for automobiles, vans, pick-up trucks, or other motor vehicles.

**Non-Conforming Structure** is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments become effective and fails to meet the minimum requirements of the zoning district in which it is located.

**Non-Conforming Use** is the use of a building or of land lawfully existing at the time this Ordinance or any amendments become effective but does not conform with the use regulations of the district in which it is located.

**Off-Site Sign** is a sign which advertises or directs attention to products or activities that are not provided on the parcel upon which the sign is located.

**Ordinary High Water Mark** is the line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland, and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, levee, or other water controlling device, it shall be the natural ordinary high water mark.

**Outdoor Recreation Establishment** is a facility designed and equipped for the conduct of sports, amusement or leisure activities, and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and amusement parks.

**Owner(s)** shall mean any combination of persons who have equitable or legal title to the premises, dwelling, or dwelling unit.

**Planned Development** is an area of a minimum contiguous size, as specified by this Ordinance, developed according to a plan as a single entity and containing one or more structures with appurtenant common areas.

**Principal Use** is the main use to which a premises is devoted and the principal purpose for which a premises exists.

**Private Road** is any road or thoroughfare for vehicular traffic which is privately owned and maintained and provides the principal means of access to abutting properties.

**Public Street** is a public thoroughfare for vehicular traffic which is publicly owned and maintained and provides the principal means of access to abutting properties.

**Recreational Vehicle** is a vehicle designed and intended primarily for recreational use, such as a motor home, camper trailer, boat, snowmobile, off-road and all-terrain vehicle, or similar vehicle or trailer. The term "recreational vehicle" shall not include a motorcycle or motor bike or other similar means of transportation intended primarily for daily on-street use.

**Retail Store** is any building or structure in which goods, wares, or merchandise are sold to a customer for direct consumption and not for resale.

**Right-of-way** is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of an agency having jurisdiction over the right-of-way.

**Road** refer to definition of “street”.

**Salvage** is material saved for future use, recycling, or sale.

**Salvage Yard** is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “salvage yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Screen** is a structure such as a fence or wall, providing enclosure and visual barrier between the area enclosed and the adjacent property.

**Seasonal** is any use or activity that cannot or should not be performed during the entire year.

**Setback** is the required minimum horizontal distance between a lot line or other controlling entity and a building, structure, or use line.

**Sign** is an outdoor sign, display, figure, painting, drawing, message, placard, or poster which is designated, intended, or used to advertise or inform.

**Site Condominium Projects** are land developments done in accordance with the Condominium Act (P.A. 59 of 1978), as amended. All such developments shall follow the standards and procedures of Section 5.10, Planned Developments, and meet the requirements of the district(s) for which they are intended.

**State Licensed Residential Facility** is a structure that is constructed for residential purposes that is licensed pursuant to P.A. 287 of 1972 or P.A. 116 of 1973 which provides resident services for six (6) or less persons.

**Street** is an approved thoroughfare which affords the principal means of access to abutting properties.

**Structure** is anything constructed, assembled or erected, the use of which is intended to be permanent or lasting, and requires location on the ground or attachment to something having a location on or in the ground. The word “structure” shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground, agricultural fencing.

**Telecommunication Tower or Antenna** is any device erected for receiving or transmitting radio, television, or data communication signals.

**Uniform Setback** is where fifty (50%) percent or more of the frontages of existing structures along a roadway between two (2) intersecting streets maintain the same minimum setback.

**Use** is the purpose for which land or a building (or buildings) is arranged, designed or intended, or for which land or a building (or buildings) is or may be occupied and used.

**Variance** is a modification to the rules or provisions of this Ordinance which may be granted by the Zoning Board of Appeals where there is practical difficulty or unnecessary hardship in the way of carrying out the strict letter of this Ordinance.

**Vehicle** is any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

**Yard** is a space open to the sky and unoccupied or unobstructed, except by structures or uses specifically permitted by this Ordinance. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

**Yard, Front** is the yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the main building (refer to Figure 1).

**Yard, Rear** is the yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear foundation line of the main building (refer to Figure 1).

**Yard, Side** is the yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (refer to Figure 1).

## **CHAPTER 3 NON-CONFORMITIES**

### **SECTION 3.1 INTENT AND PURPOSE**

It is the intent of this Chapter to provide for the use of lands, buildings, and structures which were lawfully established prior to the effective date of this Ordinance to continue, even though the use may be prohibited or differently regulated under the terms of this Ordinance. Such non-conforming lots, uses of land, structures, and uses of structures are declared by this Ordinance to be incompatible with permitted conforming uses, buildings, and structures. In order to adequately regulate the conflicts between conforming and non-conforming uses, buildings, and structures, the regulations that follow are enacted.

### **SECTION 3.2 NON-CONFORMING LOTS**

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the dimensional requirements of this Ordinance providing the lot or parcel meets the requirements of Section 4.4 Substandard Lots. Refer to Chapter 4 General Provisions.

### **SECTION 3.3 NON-CONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on a parcel of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

No such non-conforming use shall be enlarged or increased to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

### **SECTION 3.4 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 restriction of 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 (refer to Figure 2):

- A. No such structure may be enlarged or altered in a way which increases its non-conformity.
- B. Any such structure destroyed by fire or an act of God may be reconstructed, but as nearly conforming with the provisions of this Ordinance as possible.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area into which it is located.

Figure 2

### SECTION 3.5 REPAIR AND REPLACEMENT OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, ordinary maintenance may be done. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### SECTION 3.6 CHANGE OF TENANCY OR OWNERSHIP

There may be change of tenancy, ownership or management of any existing non-conforming use of land, structure, or premises provided there is no change in the nature of the character of such non-conforming use that would be at variance with the provisions of this Chapter and Ordinance.

### SECTION 3.7 ABANDONMENT OF NON-CONFORMING USES AND STRUCTURES

- A. If for any reason a non-conforming use is abandoned or discontinued for a period greater than 365 consecutive days, the use shall not be allowed to be re-established, and any subsequent use shall conform to all the requirements and provisions of this Ordinance. Under extraordinary circumstances, a petition may be made to the Zoning Board of Appeals to extend the period of disuse or re-establish the non-conforming use.
- B. If for any reason the use of a non-conforming structure ceases to exist or is discontinued for a period of more than 365 consecutive days, no use shall be allowed to occupy the structure, unless authorized by the Zoning Board of Appeals.

## **CHAPTER 4 GENERAL PROVISIONS**

### SECTION 4.1 INTENT AND PURPOSE

In addition to the development and performance requirements set forth in Chapter 5, other standards and requirements are necessary to ensure that the development of land occurs in an efficient and orderly manner. **It is the intent of this Chapter to set forth provisions that will regulate the uses allowed in all districts.**

### SECTION 4.2 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where an accessory building is structurally attached to a main building, except where otherwise noted, it shall be subject to and must conform with all regulations applicable to the main building.
- B. Accessory buildings shall not be erected in any required front yard.

### SECTION 4.3 LOT ALLOCATION

No portion of any lot or parcel used once to comply with the provisions of this Ordinance for yards, lot area, or any other requirement herein, shall be used a second time to satisfy said requirements for any other structure or building.

### SECTION 4.4 SUBSTANDARD LOTS

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the dimensional requirements of this Ordinance, provided:

- A. That the lot or parcel complies with Section 4.3 of this Chapter.
- B. That a proposed building, structure, or use for the lot satisfies the yard requirements set forth in Chapter 5 of this Ordinance to the greatest extent possible.
- C. That the requirements set forth in Section 4.15 of this Chapter are fulfilled.

### SECTION 4.5 CORNER CLEARANCE

No fence, wall, shrubbery, crops, signs, or other visual obstruction shall be permitted above a height of thirty-six (36) inches within a triangular area formed by the intersection of any street or road right-of-way lines at a distance along each such line of twenty (20) feet from their point of intersection.

### SECTION 4.6 NUMBER OF DWELLING UNITS PER LOT

Unless otherwise permitted by this Ordinance, only one (1) dwelling unit shall be constructed or placed on one lot meeting the minimum lot area requirements set forth in Chapter 5. In the case

of condominium developments, unit area and limited common areas may be used to satisfy lot area requirements; general common areas shall not be applied toward satisfying minimum lot area requirements.

#### SECTION 4.7 MISCELLANEOUS STORAGE

Storage of any goods shall be in rear yards or shall be contained either within a structure or behind fencing or opaque screening that hides them from public view.

#### SECTION 4.8 ESSENTIAL SERVICES

Essential service transmission lines such as electric, telephone, gas or other similar utilities, are permitted in all districts, provided, that the services are authorized, regulated, and in compliance with all other applicable laws, ordinances and regulations. Buildings accessory to such services, however, are subject to the requirements set forth in this Ordinance. Telecommunication towers and antennas are not essential services (see Section 4.11).

#### SECTION 4.9 FENCES, WALLS AND SCREENS

Fences, walls, or screens are permitted in all yards, but shall be subject to sight distance requirements at drives and roadways.

#### SECTION 4.10 PORCHES AND DECKS

Open, unenclosed porches and decks without foundations, or paved terraces may project into a required rear, side or front yard provided that the porch, dock or terrace is located no closer than ten (10) feet from any lot line.

#### SECTION 4.11 SATELLITE DISH ANTENNAS, TELECOMMUNICATION TOWERS AND ANTENNAS, AND SIMILAR STRUCTURES

- A. Satellite dish antennas, television antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following:
1. All satellite dish antenna, television antenna, amateur radio antennas and other similar structures shall be subject to the following setback requirements:
    - a. All satellite dishes shall be located no closer than ten (10) feet from any side or rear lot lines.
    - b. All antennas and antenna towers shall be located no closer than the height of the tower from any lot line. Antennas and antenna towers greater than ninety (90) feet in height shall require a Special Use Permit.
    - c. Satellite dishes, antennas, and similar structures shall not be placed or constructed in any required front yard unless there is no other placement suitable for acceptable reception.
    - d. Satellite dishes may be placed or mounted on poles, however, they shall be subject to building height limitations.

B. Telecommunication towers and antennas shall be subject to the regulations of the districts in which they are allowed in addition to the following:

1. All towers, tower structures, poles for holding telecommunication antennas, and other like structures require zoning and building permits.
2. All towers and antennas must meet applicable state and federal regulations.
3. All towers shall be designed to accommodate co-location of antennas by additional users.
4. Tower height shall be limited to 199 feet unless justified to the Township's sole satisfaction.
5. No tower shall be closer to any boundary of the lot on which it is sited than its height.
6. Towers shall be separated from one another in accordance with the following table:

**Table 1: Separation distances between towers (feet)**

	Lattice	Guyed	Monopole Greater Than 75 Ft in Height	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole Greater Than 75 Ft in Height	1500	1500	1500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

7. Towers shall be of galvanized steel or be painted to blend with the surrounding environment.
8. No advertising or signage of any kind shall be attached to a tower or its appurtenant structures.
9. No lighting of any kind shall be allowed on or to illuminate a tower or its appurtenant structures except that required by FAA requirements if the structure is allowed to exceed 199 feet.
10. Plantings and fencing are required to screen a tower and its appurtenant structures from public view as much as possible. Native trees and other vegetation shall be retained on site and landscaping installed to achieve this objective.
11. An applicant for the installation of a telecommunication tower shall provide the Township a statement explaining the necessity for such a proposed tower.
12. The owner of any tower installed in the Township shall provide a Certificate of Insurance listing Hope Township as an additional insured party.
13. The Township may require the owner of any tower installed in the Township to provide a bond or performance guarantee that will ensure the removal of its tower and all appurtenance structures and equipment if its use shall be discontinued for more than 365 consecutive days.

14. The Township may retain a qualified expert to aid in its review of an applicant's request; the expense of this review shall be borne by the applicant.

#### SECTION 4.12 ROAD ACCESS REQUIREMENTS

- A. Every lot shall have access to a public road or dedicated easement.
- B. A new road or driveway access to an existing primary county or state highway shall be allowed no closer than three hundred fifty (350) feet from another existing or proposed road or driveway. If the lot and driveway configurations existing prior to the date of adoption of this Ordinance preclude this action, or the lay of the land is such that meeting this requirement would create an unsafe or non-functional condition, the Zoning Administrator shall approve the location for a new proposed driveway which will meet the required distance as closely as possible. In industrial and commercial areas, service drives shall be used to meet this requirement.
- C. Shared driveway areas or easements shall be a minimum of thirty-three (33) feet wide.

#### SECTION 4.13 TEMPORARY OUTDOOR EVENT USES

Temporary outdoor event uses may be permitted in any zoning district provided that the temporary use is similar in nature to those uses that are allowed by right in the district. Any others require a review by the Planning Commission and may require an approved site plan at the Commission's discretion in accordance with Chapter 9. Temporary events shall generally be limited to four (4) consecutive days and no more than six (6) days total per year.

A zoning permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by an event sponsor. The Zoning Administrator shall determine the off-street parking requirements for the event.

#### SECTION 4.14 PERMITS

- A. No construction activity requiring a building or grading permit shall commence until a zoning permit and building or grading permit has been issued.
- B. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within one year after the date the permit was issued.

#### SECTION 4.15 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, or industrial waste. All such installations and facilities shall conform with the requirements of the District Health Department and applicable state agencies and all applicable permits authorizing said facilities shall be obtained. The owner or applicant for any zoning permit shall demonstrate the availability of potable water and public sewer connections or adequate space for septic fields with appropriate reserve areas and setbacks specific to site conditions, but in no case should a septic field be closer than ten (10) feet to a lot line.

## SECTION 4.16 CORNER LOTS

Lots or parcels which have frontage on two (2) or more streets shall be subject to the following (refer to Figure 3):

- A. All yards having frontage on a street shall be considered front yards for the purposes of satisfying dimensional requirements.
- B. The lot or parcel owner shall designate which yard shall be considered the front yard for the purposes of establishing the rear and side yards.

Figure 3

## SECTION 4.17 LANDSCAPING, SCREENING, BUFFERS AND FENCING

- A. The intent of this Section is to promote the public health, safety, and general welfare in commercial, industrial and other locations as required by this Ordinance by:
1. Minimizing the nuisances that new commercial development may cause, including additional noise, air and water pollution, and the destruction of scenic views.
  2. Improving the appearance of off-street parking and other vehicular use areas.
  3. Requiring buffering between incompatible land uses.
  4. Regulating the appearance of property abutting the public rights-of-way.
  5. Protecting and preserving the appearance, character and value of the community and its neighborhoods.
  6. Preventing soil erosion and soil depletion.
  7. Promoting soil water absorption.

Sizes and amounts of landscaping and plant types shall be dependent upon what is already present in the area and landscaping needs of the specific site. Generally, landscaping shall at least equal surrounding landscaping in newer areas and tend toward upgrading older areas. Landscaping needs will be determined by using the standards set forth in this Section, and other applicable sections of this Ordinance, but plantings covering a minimum of twenty (20%) percent of any site shall be used as a guideline.

- B. The following standards shall be followed:
1. Additional landscaping shall be added to the retained natural landscape features to reduce the apparent mass and height of buildings, to visually break expanses of paving, to reduce the visibility of paved areas from adjacent roadways and properties, and to provide an attractive appearance from both within and without the site.
  2. Except in urban areas where more exacting conditions may require selection of more specific and hardy species, plant materials shall be used that complement the natural landscape. Minimum required plant material sizes shall be as follows: evergreen trees, six (6) feet in height; deciduous trees, two (2) inch caliper; shrubs, three (3) gallon pot or 18-24" in height and width.
  3. Ground cover shall be primarily of living materials.
  4. Areas that are intended to be planted shall be provided with a minimum depth of topsoil of four (4) inches and mulched appropriately.
  5. All plantings shall be maintained in a vigorous, healthy, and weed-free state. Any dead or diseased plants shall be removed and replaced.
- C. The Township may retain a qualified expert to aid in reviewing landscaping requirements. The expense of a review shall be borne by the applicant.

#### SECTION 4.18 PRIVATE ROAD STANDARDS

Landowners installing a private roadway or driveway for more than two (2) dwellings shall meet these standards:

- A. The edge of the travelway or paved portion of the road shall be a minimum of ten (10) feet from the property boundary unless it is intended to become part of a service drive or lane to be shared with adjoining property(ies). The Planning Commission may require a greater distance if surrounding uses indicate a greater distance necessary to separate incompatible uses.
- B. All dead end roads shall terminate in a cul-de-sac or T-shaped turn-around sufficient for emergency vehicles.
- C. Landowners creating private roads shall provide the Township with a recorded affidavit at the time of project approval that the road(s) to be constructed shall never become public roads, unless brought to the Midland County Road Commission standards and are accepted by the Road Commission, and that this recorded affidavit shall become a deed restriction of all parcels to which the proposed road will provide access.

## **CHAPTER 5 DISTRICT REGULATIONS**

### **SECTION 5.1 INTENT AND PURPOSE**

For the purposes of this Ordinance, all land within Hope Township, except roadways and alleys, is divided into the following Zoning Districts:

AG	Agricultural District
FR	Forested District
R	Residential District
C	Commercial District

For the specific regulations and requirements of each of the districts listed above, refer to Sections 5.5 - 5.8. Section 5.10 allows for and regulates Planned Developments (PD) within the above districts.

### **SECTION 5.2 OFFICIAL ZONING MAP**

The boundaries of zoning districts are defined and established as shown on a map entitled the Hope Township Zoning Map. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept by the Township Clerk and shall be maintained by the Zoning Administrator.

### **SECTION 5.3 INTERPRETATION OF BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- A. Boundaries shown following streets or highways shall be presumed to follow the centerline of these roadways.
- B. Boundaries shown approximately following Township boundary lines or property lines shall be presumed to follow these lines.
- C. Boundaries shown approximately parallel to the centerline of streets or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.

### **SECTION 5.4 CLASSIFICATION OF USES NOT LISTED**

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in Chapter 11. Said use shall be treated in a like manner with comparable uses, as determined by the Zoning Board of Appeals, and permitted or prohibited in accordance with the District Regulations found in any Zoning District.

## SECTION 5.5 AGRICULTURAL DISTRICT ( AG )

The purpose and intent of the Agricultural District is to provide areas for commercial agricultural and farming operations as well as limited residential areas. This district is established to conserve and protect agricultural lands as valued resources by preventing the encroachment of urban land uses in predominantly agricultural areas where geographic and economic conditions favor continued agricultural production. A range of farming activities shall be permitted in this zone in order to foster the continuation of agriculture in the Township.

### SECTION 5.5.1 PERMITTED PRINCIPAL USES

All historically practiced general agricultural uses (Large scale livestock enterprises see “Conditional Uses”).

Farm dwellings, accessory buildings, farm labor housing.

Non-farm single-family dwellings.

Churches and other religious buildings.

State licensed residential facilities.

Home Occupations.

Planned Developments (see Section 5.10).

### SECTION 5.5.2 CONDITIONAL USES

A. The following uses are permitted in this district upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9 and are subject to lot, building and other requirements of this section. The necessary conditions for approval of any of these uses shall be a demonstrated need for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site or surrounding properties:

Large scale livestock enterprises.

Agricultural research and development facilities, public and private.

Agricultural businesses.

Schools and day care operations.

Bed and breakfast establishments.

Contractors and builders establishments.

Slaughter houses.

Riding stables.

Kennels.

Cemeteries.

Public or private outdoor recreation or park facilities.

Windmills

Sawmills and other forestry related businesses.

Telecommunication towers and antennas (see Section 4.11).

Natural resource extraction operations.

B. A roadside stand for the sale of agricultural products, provided that:

1. No more than one stand be allowed for each six hundred (600) lineal feet of road frontage.

2. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
  3. The products sold at any stand are mainly grown or produced on the premises.
- C. A temporary house trailer or an approved detached accessory structure for the living purposes during the construction of a permanent dwelling on the same lot or for an elderly or infirm family member during the period of convalescence or debility, provided that:
1. The trailer house will be removed within eighteen months or as soon as the original reason for the temporary dwelling has ceased whichever comes first;
  2. The Zoning Administrator may in extraordinary circumstances extend the zoning permit for this use for one year.
  3. The trailer will be connected to an approved well and septic system; and,
  4. Will be anchored securely and properly and will follow all other applicable township, county, state, and federal regulations.

**SECTION 5.5.3 DEVELOPMENT STANDARDS**

- A. Minimum farm parcel size: Ten (10) acres, or as specified in a project for which a Special Use Permit has been secured.

	<u>Farm Structures</u>	<u>Commercial or other non-farm Structures</u>
Minimum frontage	330 feet	330 feet
Minimum front setback	50 feet	100 feet
Minimum side setback	50 feet	50 feet
Minimum rear setback	50 feet	50 feet
Maximum height	75 feet	40 feet

- B. Residential development shall be permitted within agricultural areas on non-productive farmland by designing a Planned Development in accordance with Section 5.10 of this Ordinance, with an underlying allowable dwelling unit density of one (1) dwelling unit per one (1) acre and a minimum of sixty (60%) percent permanently preserved unbuilt open space. Minimum project area twenty (20) acres.

- C. Metes-and-Bounds or platted lots for residential uses on non-productive farmland shall meet the following standards:

Minimum parcel size	5 acres
Minimum frontage	330 feet
Minimum front setback	75 feet
Minimum side setback	50 feet
Minimum rear setback	50 feet
Maximum height	2½ stories or 35 feet

#### SECTION 5.5.4 PERFORMANCE STANDARDS

- A. Farming and approved ancillary activities shall be carried out conscious of neighboring uses. Wherever feasible and justifiable, buffers of hedgerows, tree lots or other barriers should be maintained between different districts and uses to minimize conflicts. Michigan Department of Agriculture “Generally Accepted Management Practices” (GAMPS) shall be used to determine whether a new use may be sited as proposed. Setbacks prescribed in the GAMPS shall be used to assess the distances needed by a new use from existing farms, residences, and other uses.
- B. Exceptions for farm lot size may be allowed by the Planning Commission if applicant can prove the desired agricultural operation is a bonafide commercial agricultural operation.
- C. To the greatest degree practicable, land divisions, including single lot splits, must be designed to protect and preserve natural resources, productive farm land, and the culture and character of the area.
- D. Within all setbacks, landscape plantings shall be required by residential uses to buffer them from adjacent agricultural, or potential agricultural operations, and to retain the rural character of the area.
- E. All residential developments, or residential plots, units or parcels, and any other non-farm use within this district shall be devised with the understanding that agricultural operations are the primary use of this district and therefore layouts for residences and other non-farm uses shall be designed in such a manner as to protect farming and other agricultural operations from interference and nuisances.

#### SECTION 5.5.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures shall generally be located in side or rear yards. Accessory structures may be used for home occupations as prescribed by this Ordinance.

The maximum height for an accessory structure shall be thirty-five (35) feet.

## SECTION 5.5.6 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies and other large farm animals is allowed on non-farm residential parcels, a minimum of two (2) acres for the first animal and one (1) acre for each additional animal. Livestock barns or shelters and any manure storage piles shall be located a minimum of one hundred (100) feet from any lot line.

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

## SECTION 5.6 FORESTED DISTRICT (FR)

The purpose and intent of this district is to preserve the forests and woodlots of the Township while allowing residential development and a wide range of uses in such ways that will not detract from this end. To the greatest degree practicable, the integrity and contiguity of forest lands shall be maintained.

### SECTION 5.6.1 PERMITTED PRINCIPAL USES

Single-family dwellings.  
Home occupations.  
State licensed residential facilities.  
Planned developments (see Section 5.10).

### SECTION 5.6.2 CONDITIONAL USES

A. All uses listed below require a Special Use Permit in accordance with Chapter 8.

Agricultural uses and businesses.  
Hunting Lodges.  
Bed and breakfast establishments.  
Cemeteries.  
Churches and other religious institutions.  
Forestry related businesses.  
Horse stables.  
Kennels.  
Natural resource extraction operations.  
Outdoor recreation establishments.  
Schools and day care facilities.  
Telecommunication towers and antennas.

B. A stand for the sale of agricultural products, provided that:

1. No more than one stand be allowed for each six hundred (600) lineal feet of road frontage.
2. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
3. The products sold of any stand are mainly grown or produced on the premises.

### SECTION 5.6.3 DEVELOPMENT STANDARDS

- A. Minimum parcel size: Five (5) acres or one dwelling unit per two and one-half (2 ½) acres density, with sixty (60%) percent permanently preserved unbuilt reserved land in accordance with Section 5.10, Planned Developments.
- B. Minimum parcel size for a Planned Development: Twenty (20) acres.
- C. Minimum frontage: 250 feet

	<u>Forest/rural business</u>	<u>All other uses</u>
D. Minimum front setback	200 ft.	100 ft.
Minimum side setback	200 ft.	50 ft.
Minimum rear setback	100 ft.	100 ft.
Maximum height	40 ft.	2½ stories or 35 feet
or as approved in a Planned Development.		

#### SECTION 5.6.4 PERFORMANCE STANDARDS

- A. All structures, roads and other infrastructure shall be placed in such a manner as to avoid the destruction of as few trees on a site or parcel as possible.
- B. Forested unbuilt areas of a site or parcel shall be contiguous with forested areas of adjoining sites to promote the maintenance of large forested expanses without buildings, structures, or infrastructure.
- C. Trees and other vegetation within buffer or setback areas shall be preserved to the greatest degree practicable.
- D. Unbuilt areas, suitable for such, shall be reforested as part of a parcel's Development Site Plan.
- E. All non-residential uses shall be situated and designed such that any potential nuisances or disturbances of surrounding properties shall be eliminated or mitigated to the greatest degree possible.
- F. Residences or other structures shall not be placed within seventy-five (75) feet of a creek or stream.

#### SECTION 5.6.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures shall generally be located in side or rear yards. Accessory structures may be used for home occupations as prescribed by this Ordinance.

#### SECTION 5.6.6 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies and other large farm animals is allowed on non-farm residential parcels and require a minimum of two (2) acres for first animal and one (1) acre for each additional animal. No manure piles or other similar debris shall be kept within one hundred (100) feet of any lot line.

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

## SECTION 5.7 RESIDENTIAL DISTRICT ( R )

The purpose and intent of this district is to encourage attractive residential areas with compatible services and amenities. The district will govern areas already subdivided into small parcels or platted lots and those areas where smaller lots are appropriate.

### SECTION 5.7.1 PERMITTED PRINCIPAL USES

Single-family dwellings.  
Two-family dwellings (duplexes).  
Home occupations.  
State licensed residential facilities.  
Planned developments.

### SECTION 5.7.2 CONDITIONAL USES

The following uses are permitted upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. Also see Section 4.17 for landscaping standards.

Bed and breakfast establishments.  
Public and private parks and recreational facilities.  
Mobile home parks (see Section 5.10).  
Family day care homes, child day care centers, and related facilities providing care to seven (7) or more persons.  
Churches and other religious buildings.  
Public and private schools.  
Accessory structures greater than 24 ft. x 36 ft. (see Section 5.7.5).

### SECTION 5.7.3 DEVELOPMENT STANDARDS

	<u>without public sewer</u>
Minimum lot size	one (1) acre
Minimum frontage	100 feet
Minimum front setback	50 feet
Minimum side setback	25 feet
Minimum rear setback	50 feet
Maximum height	2½ stories or 35 feet

Minimum Planned Development project area is five (5) acres with an allowable dwelling unit density of one (1) dwelling unit per one (1) acre and a minimum of fifty (50%) percent permanently preserved unbuilt open space.

#### SECTION 5.7.4 PERFORMANCE STANDARDS

- A. Higher density housing will only be allowed where services and facilities warrant them.
- B. In designing homesites and developments, care shall be taken to preserve the quality of the Township's natural environment. Proper drainage, including retention and detention areas, shall be provided and buffer areas shall be provided along the creeks, streams and drainage swales within this district.
- C. Streets and roads shall integrate rationally into the county and city road networks. Connections to existing streets shall be required where appropriate. Access driveways or roads onto a county primary road shall be no closer than three hundred fifty (350) feet to one and other wherever possible.
- D. Residential developments in rural portions of the district shall retain trees and other vegetation between the developed portions of a project and the county road rights-of-way.

#### SECTION 5.7.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures may not be used for home occupations. No accessory structure shall be larger than 24 ft. x 36 ft. unless approved by Special Use Permit.

#### SECTION 5.7.6 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies or other farm animals is not allowed on residential lots within this district.

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

## SECTION 5.8 COMMERCIAL DISTRICT ( C )

The purpose and intent of this district is to provide locations for commercial and limited small industrial uses in the Township. Permitted uses are generally small in nature and are intended to serve township residents and travelers on the state trunklines. All proposed commercial uses are required to submit a Development Site Plan in accordance with Chapter 9 of this Ordinance.

### SECTION 5.8.1 PERMITTED PRINCIPAL USES

General retail, office, financial, and service businesses.  
Restaurants, not including drive-through restaurants.  
Planned developments.

### SECTION 5.8.2 CONDITIONAL USES

The following uses are permitted upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. Also see Section 4.17 for landscaping standards.

Building supply yards, warehouses, and wholesale businesses.  
Drive-through businesses.  
Motor vehicle service facilities, including gas stations and car washes.  
Motor vehicle sales and/or repair facilities.  
Self-service storage facilities.  
Contractors and builders establishments.  
Indoor recreation establishments, such as bowling alleys, skating rinks, and arcades.  
Theaters.  
Coin-operated laundries.  
Mortuaries and funeral homes.  
Hotels and motels.  
Adult entertainment uses.  
Taverns, bars, and similar establishments not providing adult entertainment.  
Residential dwellings - single-family, duplex, and multi-family and mobile home parks.  
Telecommunication towers and antennas.

### SECTION 5.8.3 DEVELOPMENT STANDARDS

Minimum lot area	25,000 square feet
Minimum frontage	100 feet
Minimum front setback	50 feet
Minimum side setback	10 feet; zero (0) lot line if connected and meets fire code requirements
Minimum rear setback	25 feet
Maximum height	35 feet

Minimum Planned Development project area is five (5) acres with an allowable dwelling unit density of one (1) dwelling unit per one (1) acre and a minimum of fifty (50%)

percent permanently preserved unbuilt open space.

#### SECTION 5.8.4 PERFORMANCE STANDARDS

- A. This district intends that the historic pattern of commercial development along the major trunklines be continued with the further intention that new development shall be directed toward infill and/or rehabilitation of existing commercial sites.
- B. A street tree and landscape planting plan shall be followed.
- C. Driveways shall be kept to a minimum and service drives and/or parking areas must be connected to neighboring lots or to the lot lines between adjoining commercial parcels. Access Management Guidelines developed by the Michigan Department of Transportation shall be used to assess compliance with this standard.
- D. Parking shall contain treed landscape islands or isles if a lot has over sixteen (16) parking spaces.
- E. Buffers and proper drainage devices shall be provided to ensure protection of township creeks, streams, and other waterways.
- F. Where appropriate, sidewalks shall be provided.
- G. All storage shall be within a structure or completely screened from public view.
- H. Commercial establishments adjacent to residential areas shall provide an opaque screen (landscaping, fencing, or berms) at these property boundaries and carry on no activities including parking or storage within a rear or side yard setback adjacent to a residential district.

#### SECTION 5.8.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right and must be located in a side or rear yard only.

#### SECTION 5.8.6 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

**SECTION 5.9 TABLE OF DIMENSIONAL REQUIREMENTS**

<b>ZONING DISTRICT</b>		<b>MINIMUM LOT AREA</b>	<b>MINIMUM FRONTAGE REQUIREMENT (FEET)</b>	<b>MINIMUM FRONT YARD SETBACK (FEET)<sup>3</sup></b>	<b>MINIMUM SIDE YARD SETBACK (FEET)</b>	<b>MINIMUM REAR YARD SETBACK (FEET)</b>	<b>MAXIMUM STRUCTURE HEIGHT<sup>2</sup> (FEET)</b>
<b>AG</b>	FARM	10 acres	330	50	50	50	
	COMMERCIAL	10 acres <sup>1</sup>	330	100	50	50	
	RESIDENTIAL	5 acres	330	75	50	50	2 ½ stor or 35 f
<b>FR</b>	FOREST / RURAL BUSINESS	5 acres <sup>1</sup>	250	200	200	100	
	ALL OTHER USES	5 acres	250	100	50	100	2 ½ stor or 35 f
<b>R</b>	WITHOUT PUBLIC SEWER	1 acre	100	50	25	50	2 ½ stor or 35 f
<b>C</b>		25,000 sq ft	100	50	10 <sup>4</sup>	25	

<sup>1</sup>Parcel size exceptions may be allowed by Planning Commission as part of a Special Use Permit.

<sup>2</sup>Telecommunication tower and antenna heights are governed by Section 4.11.

<sup>3</sup>See Section 5.10 for dimensional requirements in Planned Developments.

<sup>4</sup>Zero (0) lot line if connected and meets fire code requirements.

## SECTION 5.10 PLANNED DEVELOPMENTS (PD)

### SECTION 5.10.1 PURPOSE

Planned Development regulations furnish a beneficial and effective means for designing site plans within areas designated in the Master Plan for housing, commercial, or special purpose developments. These regulations, while adhering to the underlying densities specified in the various districts of the Zoning Ordinance, may provide for better design and planning of land uses by making the geography, the history and culture, and the ecology of the area the standards and determinants of that design rather than the singular enforcement of lot sizes and standard setbacks.

These regulations intend to promote the efficient and thoughtful use of the land, while encouraging a diversity of housing types and mixed uses where appropriate, by maintaining the high degree of quality control necessary for the preservation of the natural and scenic elements that are integral to the rural character of the Township.

Projects approved hereunder shall be designated (PD) Planned Development.

### SECTION 5.10.2 PERMITTED AND CONDITIONAL USES

Planned Developments within districts allowed by this Ordinance.

All legal methods of land subdivision may be used in the design of a Planned Development. All pertinent regulations addressed elsewhere in the Zoning Ordinance or in separate ordinances of the Township shall be complied with. **Subdivisions, condominium projects, mobile home parks, and land divisions** shall be administered and reviewed under this Section.

### SECTION 5.10.3 TABLE OF DISTRICT REGULATIONS FOR PLANNED DEVELOPMENTS

ZONING DISTRICT	MINIMUM PROJECT AREA	MINIMUM CONTINUOUS PROJECT FRONTAGE <sup>1</sup>	MAX. DU/ DEVELOPABLE ACREAGE	REQUIRED PERCENT OF PROJECT AS OPEN SPACE <sup>2</sup>	AREA, YARD AND OTHER REQUIREMENTS <sup>3</sup>
AGRICULTURE	20 acres	110 feet	1 d.u./ acre	60%	see Section 5.9
FORESTED	20 acres	250 feet	1 d.u./ 2 ½ acres	60%	see Section 5.9
RESIDENTIAL	5 acres	66 feet	1 unit/ acre	50%	see Section 5.9
COMMERCIAL	5 acres	350 feet	1 unit/ 5 acres	50%	see Section 5.9

<sup>1</sup>. On a county or state highway.

<sup>2</sup>. Public or private easements, rights-of-way, drives, streets or alleys, parking areas or required lots shall not be

counted as part of required open space.

<sup>3</sup> Standards set forth in Section 5.9 shall be used as guides to development design; modifications shall be reviewed and approved based upon standards of this chapter.

#### SECTION 5.10.4 DIMENSIONAL REQUIREMENTS

- A. Refer to Section 5.9 for guidelines. Plot layouts, setbacks and other site details shall be reviewed with regard to the entire project.
- B. “Open space” as used in this section shall be defined as land areas that are open and unbuilt and permanently preserved as such by easement or other means suitable to the Township Board. Open space areas may include recreational facilities and structures.

#### SECTION 5.10.5 PERFORMANCE STANDARDS

The following development requirements shall apply to all Planned Developments:

- A. The Planned Developments should be designed and developed in a manner compatible with and complementary to existing uses or development indicated by the current Master Plan for the immediate vicinity of the project site. Site planning on the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.
- B. Open space may be left undeveloped or may be improved. If it is improved, provisions for its maintenance must be provided. If land is to remain undeveloped, measures may be required to mitigate construction, to improve natural habitat, and to prevent erosion and control drainage. Open space left in its natural state shall be kept free of debris. Open spaces shall link with those on adjoining properties to ensure maximum landscape cover and wildlife habitat.
- C. If a development is to be done in stages, the development plan shall schedule the improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of units in order that each development stage achieves a proportionate share of the total open space and planned amenities.
- D. All or any part of designated open space may be reserved for use in common by the owners or residents of the Planned Development. Areas permanently preserved for common open space shall be reserved for the use and enjoyment of the owners and residents. The Township may, with the developer’s consent, require that open space easements be conveyed to the Township or to another responsible entity.
- E. All public streets within or abutting the proposed Planned Development shall be improved to Township and County specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be maintained for their intended purposes by the development’s property owners association or other means acceptable to the Township and County. All roads and passageways must be designed to allow emergency vehicle access.
- F. Planned Developments shall be in harmony with the topography of the site, shall preserve water courses, drainage areas, wooded area, rough terrain, and similar natural features and areas.

- G. All utilities within a Planned Development shall be placed underground where feasible; otherwise, they shall be placed in the most unobtrusive manner possible. Sufficient easements shall be provided for all necessary utilities.

- H. The designation of building plots or building areas within which structures must be sited is required to ensure proper placement of homes in relation to the geography and ecology of the site as well as in relation to structures on surrounding properties.
- I. A property owners association shall be formed to hold title to and to manage any land, structures, or improvements to be held in common. Necessary stipulations of the Planned Development approval shall be conveyed by deed restrictions and covenants or within the condominium master deed, whichever is applicable.
- J. The development must meet all the standards and requirements of the various agencies that have jurisdiction over the development area.
- K. A development schedule, including all contiguous or adjacent land owned or controlled by the applicant, shall be submitted indicating planned phases, including construction of roads, utilities, dwellings and amenities--all the major components of the project. An annual updated schedule shall be submitted to the Planning Commission until the entire development is completed. This annual report shall include, at minimum, the percentage complete to date and forecasted construction for the ensuing year of each component of the project. Approval of subsequent stages of a development shall be based upon adherence to the approved schedule or modifications agreed upon by the Planning Commission and Township Board.

#### SECTION 5.10.6 ACCESSORY STRUCTURES AND USES

Accessory uses and structures shall be located as specified on the development plans as approved by the Township.

#### SECTION 5.10.7 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signage as permitted in Chapter 7.

#### SECTION 5.10.8 CONCEPTUAL DEVELOPMENT PLAN; APPLICATION REQUIREMENTS

- A. Twelve (12) copies of a conceptual development plan encompassing all phases of the proposed PD, prepared at a scale not less than one (1) inch equals fifty (50) feet if the property is less than three (3) acres and one (1) inch equals one hundred (100) feet, if more, containing the following information:
  - 1. Name of development, applicant name, preparer name, if different, date of preparations, written and graphic scale, north arrow, property lines and dimensions, size of property in acres.
  - 2. Zoning and use of all adjoining properties.
  - 3. Existing natural features of the site, including predominant vegetative cover, major tree stands, and existing drainage ways.
  - 4. Existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.
  - 5. Existing site elevation contours at a minimum of twenty (20) foot intervals.

6. If applicable, identify existing shoreline, existing one-hundred (100) year flood hazard area boundary and existing wetlands.
  7. Existing rights-of-way lines, pavement edges and names of public streets; proposed layout of new public streets or private roads.
  8. Layout and typical dimensions of proposed lots, including building plots or pads. If the proposed Planned Development includes construction of buildings or other structures, identify proposed footprints and dimensions, proposed number of stories; identify uses proposed within the Planned Development and the acreage allotted to each use.
  9. Locations of proposed access driveways and parking areas.
  10. If multi-phase development is proposed, identify areas included in each proposed phase.
- B. A legal description of the land to be included in the Planned Development.
  - C. A sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five-hundred (500) feet of the Planned Development.
  - D. A narrative statement describing the overall objectives of the Planned Development.
  - E. A complete application on a form supplied by the Township.
  - F. Payment of the fee established, from time to time, by resolution of the Township Board to cover the cost of the Planned Development project review.

SECTION 5.10.9 PLANNING COMMISSION REVIEW OF CONCEPTUAL DEVELOPMENT PLAN

- A. The Planning Commission shall review the conceptual development plan at a public meeting. Recommendations made by the Planning Commission shall be based upon its consideration of the standards for approval of a Planned Development contained in this section, and based upon the intent of this Ordinance. The recommendation of the Planning Commission shall be transmitted in written form to the Township Board, the County Planning Commission, and a copy of the recommendations transmitted to the applicant.
- B. In the course of its review of a conceptual development plan for a Planned Development, the Planning Commission shall notify adjoining property owners within three hundred (300) feet of the property to provide an opportunity for public comment on the proposed Planned Development.
- C. Review Procedure:
  1. The Planning Commission shall review the conceptual site plan to ensure that:
    - a. The uses, buildings, and structures shown on the conceptual site plan are not in conflict with the Master Plan of current adoption.
    - b. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to mitigate adequately non-compatible uses have been included on the conceptual site plan.
    - c. That the plan meets the applicable development and performance standards of this section and of the district in which it is proposed to be situated.

2. Based on the findings of its review, the Planning Commission shall do one of the following:
  - a. Grant conceptual site plan approval.
  - b. Grant conceptual site plan approval subject to conditions.
  - c. Reject the conceptual site plan, stating the specific reasons for the rejection.

#### SECTION 5.10.10 APPLICATIONS FOR REZONING

Once the Planning Commission has granted concept development plan approval with or without conditions, an application for Planned Development zoning may be filed and processed in accordance with Chapter 12 of this Ordinance. The approved conceptual site plan shall be made part of the application, and shall be considered as part of the rezoning request.

#### SECTION 5.10.11 SITE PLAN REVIEW REQUIRED

Either concurrent with the application for rezoning or upon rezoning approval, the applicant must apply for development site plan approval in accordance with Chapter 9. Prior to any new construction, site plan approval must be obtained.

In addition to the information required for development site plan approval, the applicant shall submit, where relevant, the following:

- A. Lot lines and building pads.
- B. Details of proposed project lighting.
- C. A copy of all of the following that are applicable: proposed deed restrictions, covenants, condominium or landowner association documents.
- D. Summary data schedules:
  1. Number and sizes of proposed units, including accessory or ancillary structures.
  2. Area and percentage of building site coverage.
  3. Area and percentage of impervious surface coverage.
  4. Area and percentage of open, undeveloped space.
  5. Parking space calculations, if applicable.

#### SECTION 5.10.12 CHANGES TO AN APPROVED PLANNED DEVELOPMENT

- A. No changes to an approved development plan for a Planned Development shall be made, except by mutual agreement between the applicant and the Township. Revisions to an approved final development plan or to any conditions imposed on an approval, with the exception of minor administrative changes, which do not alter the layout, number of units or other substantive details of the plan by more than five (5%) percent, shall be processed in the same manner as an application for approval of a Development Site Plan, as specified in Chapter 9.
- B. Minor administrative changes may be made by the Planning Commission or the Commission may delegate this responsibility to the Zoning Administrator.

### SECTION 5.10.13 TIME LIMIT FOR APPROVED PLANNED DEVELOPMENTS

- A. Construction of an approved Planned Development shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the Planned Development by the Township Board.
- B. The owner or applicant of the Planned Development may apply to the Township Board for one (1) extension of the original approval for an additional term of one (1) year. The Township Board may, in its discretion, authorize this extension. In considering such authorization, the Township Board shall use the following standards:
  - 1. The Planned Development has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.
  - 2. The Planned Development is likely to commence and to be completed.
- C. If the Planned Development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or the one permitted extension thereof, then the Planned Development approval shall automatically become invalid and void and the prior zoning of the property shall obtain.

## **CHAPTER 6 PARKING**

### **SECTION 6.1 INTENT AND PURPOSE**

It is the purpose of these regulations to ensure that adequate parking facilities are provided for and that they are adequately maintained. Off-street parking as required by this Ordinance shall be in accordance with the following provisions.

### **SECTION 6.2 ADEQUATE OFF-STREET PARKING**

For all uses, adequate off-street parking shall be required. Off-street parking areas shall be designed with enough capacity to provide safe and sufficient parking for all vehicles during normal times of use. Direct access to off-street parking areas shall be provided from a county street or an approved private street, service drive, or alley. Street rights-of-way shall not be construed as satisfying the requirements of this Chapter except as allowed by specific districts and uses in this Ordinance. Parking needs shall be reviewed as a part of Development Site Plan Review, Chapter 9.

### **SECTION 6.3 TABLE OF OFF-STREET PARKING RECOMMENDATIONS**

The table on the following page provides a guide for surfaced parking areas. The total parking recommended is the sum of spaces for all land uses proposed on the site, plus employee parking, as outlined in the table. A parking space shall be at minimum 9 ft. x 18 ft.

<u>Land Use</u>	<u># Spaces</u>	<u>Per Activity Unit</u>
Mobile Home Park	2	Dwelling Unit
Senior Citizen Housing	1	Dwelling Unit
Day Nursery	1	4 Children, per License
Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
Retail, Office, Service, Financial	1	250 sq. ft. of Public Area
Vehicle Sales	1	800 sq. ft. of Public Area
Vehicle Service/Wash, Gas Station	3	Wash, Stall or Fuel Pump
Truck Stop	5*	Fuel Pump (12' x 70' / truck)
Barber Shop or Beauty Salon	3	Chair
Bar or Restaurant (Not Drive-In)	1	2 Seats
Drive-In or Drive-Thru Restaurant	1	200 sq. ft. Gross Floor Area
Hotel or Motel	1	Guest Room
Meeting Hall, Skating Rink, Community Center, Gymnasium, Auditorium	1	3 Persons Allowed in Bldg. based on Fire Code
Bowling Alley	4	Lane
Wholesale, Industrial	1	900 sq. ft. Gross Floor Area
Church, Theater, Arena,	1	2 Seats or 4 feet of Bench or Pew
Grade School	1	10 Students
High School	1	5 Students
College, Technical School	1	3 Students
Hospital, Visitor Parking	1	3 Beds
Hospital, Doctors Parking	1	2 Medical Staff Members
Nursing Home	1	6 Beds
Library, Museum, Gallery, Post Office	1	800 sq. ft. Gross Floor Area
Private Club	1	2 Member Families
Any Employment Site	1	Employee at Peak Shift

\* Spaces should be sized as noted.

Where an applicant can substantiate a different parking need than those indicated above, upon submittal of convincing written evidence to the Planning Commission, a deviation may be allowed. Unpaved parking areas may be allowed to handle special events or high non-routine parking requirements. These areas, though, must have a properly stabilized subsoil and meet regular landscape requirements.

#### SECTION 6.4 USES NOT LISTED

The Zoning Administrator and Planning Commission shall determine the number of parking spaces required for all uses, including those not listed in the table above. If the use is not listed, the Zoning Administrator and the Planning Commission shall determine the number of required spaces based on a comparison of the proposed use and a similar use that is listed in the Table of Off-Street Parking Recommendations. In the event that there is a dispute over the number of spaces required, the matter shall be referred to the Zoning Board of Appeals for review and decision.

SECTION 6.5 BUILDING, STRUCTURE, OR USE EXPANSIONS OR  
ADDITIONS

Additional parking shall be provided for any increase in floor area, change in use, addition, or expansion of a building or site.

SECTION 6.6 JOINT PARKING

The use and construction of shared parking is encouraged and allowed when it can be demonstrated that the parking requirements of this Chapter can be met.

SECTION 6.7 OFF-STREET PARKING AREA CONSTRUCTION  
REQUIREMENTS

- A. The off-street parking areas shall be surfaced with a durable material that shall be graded to drain and dispose of storm water.
- B. Storm water collection, drainage and retention structures meeting all requirements of the Midland County Road Commission and the Midland County Drain Commissioner shall be installed for all off-street parking areas.
- C. Driveways and aisles for any off-street parking area shall be clearly defined meeting the following requirements:
  - 1. Each driveway lane shall be a minimum of nine (9) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be defined.
  - 2. A driveway shall intersect the abutting street at a ninety (90°) degree angle.
  - 3. Aisles shall be at least eighteen (18) feet wide.
- D. Each parcel shall have no more than one (1) driveway entrance and exit opening to an abutting public thoroughfare for each three hundred fifty (350) feet of frontage, or fraction thereof. Where more than one (1) driveway is allowed because of an existing driveway, it will be as far as possible from the nearest driveway(s), except in high density area. No parking lot driveway shall be located closer than ten (10) feet from a neighboring property line.
- E. All lighting of a required off-street parking area shall be arranged in such a manner and shall be of such height that the illumination is directed toward the ground and is not directed toward a public thoroughfare or adjacent properties.
- F. Parking and loading areas in general shall be located beside or behind structures, but in no case closer than fifty (50) feet from any road right-of-way and shall not be located any closer than ten (10) feet from any lot line.
- G. Any parking area larger than ten (10) spaces shall have a visual screen not less than four (4) feet high between the parking area and adjacent property zoned for residential uses.
- H. A zoning permit shall be required for construction of any parking lot.

## CHAPTER 7 SIGNS

### SECTION 7.1 INTENT AND PURPOSE

The intent of this Chapter is to regulate the type, number, physical dimensions, erection and placement of signs in Hope Township. The purpose of these regulations is to:

- Promote the public health, safety, and welfare of residents and visitors
- Reduce hazardous distractions to motorists and pedestrians
- Protect commercial districts from visual clutter and ugliness
- Protect property values
- Protect the rural character and natural beauty of the Township

### SECTION 7.2 DEFINITIONS

**Sign** - a sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building, structure, or lot, and which directs attention to an object, project, service, activity, person, institution, organization, or business.

**Sign Area** - The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign, including frames surrounding display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the word, or words, as a whole. For purposes of computing sign area, only one side of a sign shall be used.

**Building Sign** - a sign attached to a building as either a wall sign, projecting sign, awning sign, window or canopy sign. No sign shall be placed above the roof line. (refer to Figure 4)

**Directional Sign** - a sign directing vehicular or pedestrian traffic or parking but bearing no advertising matter except for the logo of the business for which the directional signs are associated.

**Freestanding Sign** - a sign supported by one or more uprights, braces or pylons located in or on the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as “pole” signs.

**Illuminated Sign** - Any sign designed to give forth artificial light or designed to reflect any such light given from any source which is intended to cause such light or reflection.

**Outdoor Advertising Structure** - A sign or billboard that may be erected for the purpose of advertising a business or other activity and is not on the same parcel as the business or activity advertised.

**Portable Sign** - Any sign so constructed to be readily moveable from one location to another and not permanently affixed to a building or the ground. Portable signs include “trailer” signs.

### SECTION 7.3 SIGN REGULATIONS

The following regulations shall apply to on-premises signs:

- A. Unless a sign is exempt from permit requirements as specified in Section 7.3.B, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.
- B. Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance:
  - 1. One (1) temporary construction sign shall be permitted for a construction project, not to exceed thirty-two (32) square feet in area per sign. Such signs may be erected no more than thirty (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.
  - 2. On-premise directional signs, not to exceed six (6) square feet in area per sign, shall be permitted as a means of directing traffic to parking, loading, customer service, and related areas.
  - 3. Public signs or notices of Hope Township, Midland County, the State of Michigan, or the United States Government may be erected as deemed necessary and appropriate by the unit of government.
  - 4. Real estate signs not exceeding six (6) square feet of display area per side shall be permitted. These signs must be removed within thirty (30) days of the sale of the property upon which they are placed.
  - 5. One (1) nameplate sign per premises not to exceed six (6) square feet shall be permitted.
  - 6. Garage or yard sale signs may be installed twenty-four (24) hours in advance of sale and shall be removed within twenty-four (24) hours after the sale.
- C. Any sign not permitted is prohibited. The Zoning Board of Appeals shall have the authority to classify any other signs not specifically addressed.
- D. General Sign Standards:
  - 1. Illumination, if permitted, shall be by a non-flashing light. Said source of illumination shall be shielded from direct view of adjacent residential properties and vehicles passing on adjacent highways. The source of any illumination shall not be visible beyond the property lines of the parcel upon which the advertising structure is located.
  - 2. All signs shall be subject to the Building and Safety Codes of Midland County.
  - 3. All signs shall be set back a minimum of ten (10) feet from all lot lines, except where regulated otherwise by this Ordinance.
  - 4. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance, provided however, ground mounted

signs shall not exceed eight (8) feet in height.

5. Freestanding signs shall have a minimum clearance of eight (8) feet between the ground surface and lowest point of the sign.
6. No signs shall be placed in required clear vision areas.
7. New signs in areas that have many existing signs shall be placed in line with existing signs as much as possible while attempting to adhere to required setbacks.
8. All signs shall be adequately maintained; if not, written notice shall be issued by the Zoning Administrator to the owner of the structure. If disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.

E. Sign Size and Height:

1. On premise freestanding signs shall not exceed forty-eight (48) square feet total face size.
2. On premise freestanding signs shall not exceed fourteen (14) feet total in height.
3. Township commercial establishments are allowed one freestanding sign.
4. Township commercial establishments are allowed building signage, including wall, roof, awning, window and canopy signage, for identification and advertisement of goods sold on premises not to exceed ten (10%) percent of one face of the building fronting on the road of access to the building.
5. Signs for home occupations shall not exceed six (6) square feet.

- F. Temporary signs, a maximum of thirty-two (32) square feet, shall be allowed for special events, subject to Zoning Administrator approval, not to exceed sixty (60) days total in one year.

#### SECTION 7.4 NON-CONFORMING SIGNS

A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Chapter may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign existing on the day of enactment of this Chapter SHALL NOT:

- A. Be changed to another non-conforming sign.
- B. Be structurally altered so as to prolong the life of the sign or to change the shape, size, location, type, or design of the sign.
- C. Be re-established after the activity, business, or use to which it relates has been discontinued for ninety (90) days or longer.
- D. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

Figure 4 - whole page

## **CHAPTER 8 SPECIAL USES**

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

Rather than attempting to foresee and regulate all the possible land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for special uses of land or structures that allows latitude for a land owner or developer, and, at the same time, maintains sound provisions for the protection of the health, safety, and general welfare of Township inhabitants. Such uses may be authorized within certain zoning districts through the issuance of a Special Use Permit as provided in the 1979 amendments to the Township Rural Zoning Act, P.A. 184 of 1943.

### **SECTION 8.2 PRE-EXISTING USE**

Any existing use which is permissible by right in the district shall continue as a permissible use even if that use is later designated a special land use. Any expansion or enlargement of the original permissible use, designated now as a special use, must proceed through the special land use process for approval.

### **SECTION 8.3 REVIEWING AUTHORITY**

All applications for Special Use Permits shall be considered by the Planning Commission, hereafter referred to as the "Commission," and a recommendation made to the Township Board. The Township Board shall have the authority to grant, to deny, or to grant with conditions such Special Use Permits.

### **SECTION 8.4 APPLICATION AND FEE**

An application for a Special Use Permit shall be submitted to the Commission through the Zoning Administrator. The applicant shall provide the Zoning Administrator with nine (9) copies of the application, and nine (9) sets of all required data. Each application shall be made by the owner of record of the property on which the proposed special land use is to exist or be conducted, or by an applicant, if not the owner, with a signed authorization of the property owner, and shall be accompanied by the payment of a fee as set forth in the schedule established by the Township Board to cover the costs of processing the Special Use Permit application.

### **SECTION 8.5 DATA REQUIRED**

- A. Each application shall include the following information:
1. The name, address, telephone number and signature of the property owner and applicant;
  2. A full legal description of the property on which the proposed special use is to exist or be conducted, including the property tax parcel number(s), together with proof of property ownership and applicable options on the property, if any;
  3. A detailed description of the proposed special use for which the permit is

- requested;
  - 4. Project schedule and developments plans;
  - 5. A vicinity map with north arrow indicated;
  - 6. Land uses and existing structures on the subject parcel and adjoining parcels within five hundred (500) feet of the subject parcel; and
  - 7. A written statement relative to the project's effects on existing infrastructure, including but not limited to, traffic, capacity of roads, schools, and existing utilities, and upon the natural environment.
- B. A site plan in accordance with Chapter 9 - Development Site Plan Review.

#### SECTION 8.6 PROCEDURE UPON RECEIPT OF APPLICATION

Upon receipt of a Special Use Permit application, which is supported by all the data and fees required above, the application shall be put on the agenda for preliminary consideration at the earliest Commission meeting practicable.

- A. Notice Requirements. Notice that a special use application has been received and will be considered by the Commission and shall meet the following requirements:
1. Content. The content of the notice shall:
    - a. Describe the nature of the special land use permit request.
    - b. Indicate the property which is the subject of the Special Use Permit request.
    - c. State when and where the Special Use Permit request will be considered.
    - d. Indicate when and where written comments will be received concerning the request.
    - e. State where and when a copy of the Special Use Permit may be inspected.
  2. Publish Notice. The above notice shall be mailed by first class mail to the following persons:
    - a. The owner of property for which approval is being considered.
    - b. All persons to whom real property is assessed within five hundred (500) feet of the boundary of the property of the property in question.
    - c. The occupants of all structures within five hundred (500) feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of structure; except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
  3. An affidavit or notice as to the manner and date of service to all required parties shall be filed with the Commission before the meeting at which the Special Use

Permit is considered.

- B. The Planning Commission shall hold a public hearing on the Special Use Permit request.
- C. The Planning Commission shall review the request and shall establish that the standards and requirements of this Chapter are satisfied.
- D. Following its review of the request, the Planning Commission shall take one of the following actions:
  - 1. To recommend approval of the Special Use Permit if it is found to satisfy the requirements of this Chapter; send in writing its recommendation to the Township Board;
  - 2. To place conditions on, and then recommend approval of the Special Use Permit to ensure that it complies with the requirements of this Chapter; or
  - 3. To recommend denial of the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

#### SECTION 8.7 TOWNSHIP BOARD ACTION

Upon receiving the Commission's written recommendation on the proposed special use, the Township Board shall schedule deliberations on the application at its next regular meeting. The Township Board may hold another public hearing on the matter if requested or at its discretion. Upon examining the application, the recommendation of the Commission, and any other evidence brought, the Township Board may take one of the following actions:

- 1. Refer the matter back to the Commission for further deliberations whereupon the Commission will re-examine the evidence and information referred to it by the Township Board and resubmit a recommendation to the Township Board.
- 2. To approve the Special Use Permit if it is found to satisfy the requirements of this Chapter; either
- 3. To place conditions on, and then approve, the Special Use Permit to ensure that it complies with the requirements of this Chapter; or
- 4. To deny the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

#### SECTION 8.8 BASIS FOR DETERMINATION

Before approval of a Special Use Permit, the Township Board shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:

- A. Be designed, constructed, operated and maintained so as to be harmonious in effect and appropriate in appearance with the existing or intended character of the general vicinity as indicated in the Township Master Plan or other policies of the Township.
- B. Not be hazardous or disturbing to existing uses in the same general vicinity and will not have adverse effects on the market value of surrounding property and to the community as a whole.
- C. Be served adequately by essential facilities and services, such as, but not limited to,

- highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- D. Not create excessive additional requirements at public cost for public facilities and services.
  - E. Not involve uses, activities, processes, materials, and equipment or conditions of operations that will be detrimental to any persons, property, or the general welfare by fumes, glare, noise or odors, or any other harmful affects.
  - F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.
  - G. Will not directly or indirectly have an adverse effect upon the natural resources of the Township, including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forests, wetlands, wildlife areas.
  - H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Midland County Drainage Commissioner requirements.
  - I. Phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
  - J. Be in compliance with the requirements of the district in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, County Conservation Service, area fire departments, Department of Natural Resources and any other applicable township, county, state and federal statutes.

#### SECTION 8.9 CONDITIONS AND SAFEGUARDS

Additional conditions and safeguards may be imposed by the Commission if reasonable and necessary to protect the natural environment or to conserve natural resources or energy, to ensure compatibility with adjacent uses of land, to promote the use of the land in a socially and economically desirable manner, and to ensure that public services and facilities affected by the proposed use or activity will be capable of accommodating the increased activity. Any conditions so imposed shall meet the following requirements:

- A. To ensure that public services and facilities affected by a proposed use or activity will be capable of accommodating increased service and facility loads caused by the land use activity;
- B. To protect the natural environment and conserve natural resources and energy;
- C. To ensure compatibility with adjacent uses of land;
- D. To promote the use of land in a socially and economically desirable manner;
- E. To protect the health, safety, welfare, social and economic well-being of those who will be using the proposed special land use or activity under consideration;
- F. To protect the health, safety, welfare, social and economic well-being of Township residents, and lot owners adjoining the proposed special land use or activity, including, but not limited to, requirements such as screening, or the erection of natural or artificial barriers, or limitations on the time of day during which operations may occur or during

- which special land use activities may be carried on;
- G. Be necessary to meet the intent and purposes of this Ordinance, and be related to the standards established for the land use activity under consideration, and be necessary to ensure compliance with those standards;

- H. Be necessary to ensure compliance with any part of the application received and approved by the Township Board; and
- I. Be recorded as part of the Special Use Permit.

When requiring conditions for a Special Use Permit, the following findings shall be made and documented as part of the special use review:

1. That such requirements and conditions will mitigate negative affects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other harmful effects upon adjoining parcels; and
2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

#### SECTION 8.10 VARIANCES

Where a Special Use Permit is granted conditionally, based upon the necessity for the applicant to obtain a variance, or variances, from the Zoning Board of Appeals, the permit shall not be valid until such variances are obtained.

#### SECTION 8.11 GRANT OR DENIAL OF THE SPECIAL USE PERMIT

The Township Board may approve, deny, or approve with conditions, a request for Special Use Permit approval. The decision on a Special Use Permit under consideration shall be incorporated in a statement containing the conclusions which form the basis of the decision and any conditions and safeguards imposed. One copy shall be distributed to each of the following: Zoning Administrator, Township Clerk, and the Commission. Only upon approval by the Township Board may a Special Use Permit be issued by the Zoning Administrator.

#### SECTION 8.12 PERMIT EXPIRATION

A Special Use Permit issued pursuant to the requirements of the Ordinance shall be valid for a period of one (1) year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the Special Use Permit shall be null and void. A Special Use Permit may be renewed with cause for a period of time not to exceed two (2) years.

#### SECTION 8.13 BINDING EFFECT

Any Special Use Permit approved by the Township Board pursuant to the provisions of this Ordinance shall be binding between the parties, and said use shall not be modified, altered, expanded, or otherwise changed, unless the Special Use Permit holder obtains a new or amended special Land Use Permit in accordance with the procedures of this Chapter. Further, such conditions shall run with the land, and shall be binding on the landowner, his successors, heirs and assigns. If at any time during the existence of a permitted special land use the land, lot, or structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a violation of the Special Use Permit and the permit may be revoked and previously

permitted special use activities cease.

#### SECTION 8.14 INSPECTIONS

The Zoning Administrator shall be responsible for the inspection of all conditions imposed by the Special Use Permit and for all improvements required by the approved final site plan. All subgrade improvements, such as utilities, subbase and base installations for streets, drives, and parking lots, and similar improvements shall be inspected by the Zoning Administrator or other appropriate official or individual and approved before covering. It is the responsibility of the applicant to request such necessary inspections at the appropriate times. The Zoning Administrator shall report periodically to the Township Board and Commission on the progress of each Special Use Permit. He shall notify the Township Board and Commission in writing of any failure on the part of the applicant to meet the requirement of the site plan and Special Use Permit, and report on steps being taken to ensure compliance. The fees established by the Township Board may include an amount to cover such inspections.

#### SECTION 8.15 FINANCIAL GUARANTEES

In the interest of ensuring compliance with the provisions of this Ordinance, 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 proposed Special Use Permit has been submitted, the Township Board may require the applicant to:

- A. Deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including, but not limited to: roadways, lighting, utilities, sidewalks, drainage, fences, berms, screens, walls, landscaping, reclamation, and widening strips.
  1. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of any improvements to be made as determined by the applicant and verified by the Township Board.
  2. The performance guarantee shall be deposited with the Township Board at the time of the issuance of the permit authorizing the activity or project. No Special Use Permit may be issued before the receipt of all required performance guarantees by the Township Board.
  3. An approved Special Use 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 issuance of the permit.
  4. In the event the performance guarantee deposited is a cash deposit or certified check and the improvement for which the guarantee is provided will be done over an extended period of time, the Township Board shall rebate to the applicant fifty (50%) percent of the deposited funds when sixty (60%) percent of the required improvements are completed as confirmed by the Township Board, and the remaining fifty (50%) percent of the deposited funds when one hundred (100%) percent of the required improvements are completed as confirmed by the

Township Board. If a request is made by the applicant for a temporary certificate

of occupancy without completion of the required improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of this Ordinance and the specifications of the approved site plan.

5. Upon the satisfactory completion of the improvements for which the performance guarantee was required, the Township Board shall return to the applicant the performance guarantee deposited and any interest earned thereon.
6. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period as agreed to in the site plan, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvement through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. 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 Township administrative costs in completing the improvements, with any balance remaining being refunded to the applicant. 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 improvement exceeds the amount of the performance guarantee deposited. The costs shall be billed to the permit holder and a lien placed against the subject property. If unpaid, the costs shall be collected in the same manner as delinquent taxes or as allowed by law.

#### SECTION 8.16 OTHER SPECIAL USES

Land and structural uses that are not specified in any other section of this Ordinance, but, upon being applied for under the provisions of Chapter 8, may be considered by the Planning Commission and Township Board as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.

## **CHAPTER 9 DEVELOPMENT SITE PLAN REVIEW**

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

Land development affects the character of the community and its public health, safety, and general welfare. This Chapter provides that all the land uses shall be subject to development site plan review except single or two-family dwellings located on a single lot and agricultural uses not subject to a Special Use Permit or as otherwise indicated in this Ordinance.

### **SECTION 9.2 SCOPE**

All land developments, excluding those addressed in Section 9.1 above, including structures to be erected, moved, externally altered, added to, or to have any change in use which would affect their approved off-street parking, landscaping, site drainage, or any other requirements, shall be reviewed under this Chapter. Land divisions for any purpose other than Planned Developments shall be reviewed under this Chapter. No building or zoning permit shall be issued except in accordance with a plan approved under this Chapter.

No person shall undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, for which development site plan approval is required by this Ordinance without first obtaining such approval, nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or flood plain permits.

### **SECTION 9.3 APPLICATION AND FEE**

An application for site plan review shall be made by filing the application form, required information, and the required fee with the Township Zoning Administrator.

The application fee shall be set by resolution of the Township Board. Once accepted by the Zoning Administrator, no portion of the fee shall be returned to the applicant, unless authorized by an action of the Township Board.

### **SECTION 9.4 REVIEWING AUTHORITY**

The Planning Commission, or its qualified designee, shall review development site applications in accordance with the standards presented in this Chapter and Ordinance. The Planning Commission shall review the site plan application and its designee's report, and shall thereafter approve, approve with conditions, or deny the request for development site plan approval.

### **SECTION 9.5 MAJOR AND MINOR DEVELOPMENT PROJECTS DEFINED**

A minor project, for the purposes of this Chapter, is defined as follows:

- A. The remodeling, alterations, or additions to commercial and industrial buildings of less than twenty-five (25%) percent of the square footage of the existing structure.
- B. Improvements to, erection of, or reconstruction of accessory buildings and structures,

- parking areas, and similar facilities.
- C. Site changes that do not exceed twenty-five (25%) percent of the existing developed site area.

Major projects are all projects not listed above, including, but not limited to, site condominium projects, multi-family apartment project developments, commercial and industrial buildings and additions, alterations or redevelopment of buildings and sites greater than listed above.

#### SECTION 9.6 CONCEPTUAL DEVELOPMENT SITE PLAN REVIEW

The applicant is encouraged to submit a conceptual plan for review by the Planning Commission. This procedure is intended to be informational only and shall not necessarily bear directly upon later reviews. Submissions for this review may consist of all those items listed in Section 9.7 that shall present an adequate overview of the intended project.

#### SECTION 9.7 SITE PLAN REVIEW; REQUIRED INFORMATION

For major projects, Development Site Plan Review shall entail the examination of all the items in Section 9.7 B. For minor projects, the abbreviated review indicated in Section 9.7 A is allowed.

##### A. Required Submittals - Minor Projects

All project applicants shall submit to the Zoning Administrator, the development site plan application provided by the Township and nine (9) copies of the detailed site plan. The detailed site plan shall consist of the following items for review:

1. A site plan, drawn to scale with north arrow indicated showing the property boundaries, the proposed location of structures and other improvements including, where appropriate, roads, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls.
2. A conceptual landscape plan, including required buffers, existing vegetation, water courses, and other significant site features, and proposed new plantings.
3. Accurate scale drawings of all signs indicating their size, material, color and illumination, if any, and the method of installation of any free-standing sign.
4. Conceptual grading and drainage plans with existing and proposed elevations.
5. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for asking for additional information.
6. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such action.

##### B. Required Submittals - Major Project

The following are among the items to be included on the detailed plan for major projects. Development site plans should be accurately drawn at the scale of at least one (1) inch equals one hundred (100) feet showing the site and all land and structure within five

hundred (500) feet of the site. The Planning Commission may require details to be provided in a scale as great as one (1) inch equals twenty (20) feet. If multiple sheets are used, each must be labeled, dated, and the preparer identified.

1. The location of proposed or existing property lines, dimensions, legal descriptions, tax parcel numbers, setback lines, and monument locations.
2. A vicinity map drawn at a scale of a minimum of one (1) inch equals two thousand (2000) feet with a north arrow indicated.
3. Existing topographic elevations at two-foot intervals, proposed grades and directions of drainage flows.
4. The location and type of existing soils on the site and any certifications of borings.
5. Boundaries and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within five hundred (500) feet of the project site and proposed erosion control measures.
6. Location of existing and proposed buildings and intended uses thereof.
7. Proposed location of accessory structures, buildings and other appurtenances, including, but not limited to, all flag poles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method and details of screening, where applicable.
8. Location of existing public roads and streets, that abut or cross the site, plus rights-of-way and private easements of record.
9. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes or tapers (if any) serving the development. Details of entryway and entryway sign locations should be separately depicted with elevation views.
10. Location, design, and dimensions of existing and proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and all lighting and signing thereof.
11. Location, size and characteristics of all loading and unloading areas.
12. Location and design of all trails, walkways, bicycle paths, and other areas for public use.
13. Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems, if applicable.
14. Location and routing of all other utilities on the site, including, but not limited to, natural gas, electric, and data and telecommunication transmissions.
15. Proposed location, dimensions, and details of common open spaces and common facilities, such as community buildings, or swimming pools, if applicable.
16. Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used.
17. Location and specifications for all fences, walls, and other screening features with cross sections.
18. General location and type of significant existing vegetation, including the location and size of all existing trees with a trunk of six (6") inches or more in diameter,

four and one-half (4 ½') feet above the ground, if not located in a forest. Forests or large areas of vegetation to be preserved shall be demarcated and designated as such.

19. Locations and specifications for all proposed perimeter and internal landscaping and other buffering features.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specifications for any existing, proposed, or required above or below ground storage facilities for any chemicals, salts, flammable or hazardous materials, as well as any containment structures or clear zones required by government regulations and a Pollution Incident Prevention Plan as required by the Act 245 Program.
22. Identification of any significant or unique site features.
23. Indication of any significant views onto or from the site.
24. The zoning classifications of the site and adjacent properties.
25. North arrow, scale and date of original submittal and all revisions.
26. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for requiring such data.
27. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such actions.

#### SECTION 9.8 SITE PLAN REVIEW PROCEDURE

- A. When all necessary information as provided by this Chapter is submitted to the Zoning Administrator, the Zoning Administrator shall notify the Planning Commission Chairman.
- B. The Chairman shall place the Site Plan Review on the next available meeting agenda for discussion by the Commission and shall notify the applicant of this action.
- C. Within a reasonable time and based upon the standards in Section 9.9, the Planning Commission shall act either to approve or to deny the request for development site plan approval or to provide information to the applicant by which he may amend his plans to conform to certain stipulated requirements to obtain approval. Upon re-submittal, the Planning Commission shall, within sixty (60) days, inform the applicant of the acceptance or rejection of his plans.
- D. If plans are denied at any time, the Planning Commission shall submit in writing to the applicant the reasons for the action.

#### SECTION 9.9 DEVELOPMENT SITE PLAN REVIEW STANDARDS

The following standards shall be utilized in reviewing all development site plans. The standards are intended to provide guidance for the applicant in the production of plans as well as a method for the review of site plans by Township Officials.

A. Elements of Development Site Plan Review

1. Neighborhood and Community Elements:
  - a. *Historical Preservation.* Owners of existing structures of historical significance are encouraged to preserve these structures and to renovate them in a manner which preserves that significance and places them appropriately among other like structures. Variances may be granted by the Zoning Board of Appeals when necessary to accomplish this purpose.
  - b. *Relation of Proposed Buildings to Environment.* Proposed structures shall be related harmoniously to the terrain, the size and shape of a lot, the character of adjoining properties, and the existing buildings in the vicinity that have a visual and functional relationship to the proposed buildings. Such a relationship may include the enclosure of a space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain or other buildings. In all cases, open spaces should be created that are usable. Other concerns which shall be addressed include microclimate effects created by structure placement, solar exposure and shadow effects, wind and canyon effects, including snow build-up and drifting, and effects upon wetlands, drainage, and habitat systems. Views and privacy may be provided for by buffering and screening to preserve or create unintrusive site lines wherever possible.
  - c. *Landscape Preservation.* Except in urbanized areas, the landscape shall be preserved in as natural a state as possible by minimizing tree and soil removal. Areas such as steep slopes, wetlands, and littoral areas, as well as resource areas such as forests, wooded lots and farmlands shall be preserved wherever possible. Any grading changes shall be in keeping with the lay of neighboring lands. Golf courses in particular shall be designed to retain as much of the native terrain and herbage as possible and shall provide wide screening buffers between fairways and the public roadways and other non-compatible uses.
  - d. *Business Districts.* Design standards may be developed by particular business districts, and if promulgated, will be used to design the elements of structures and site improvements proposed within these districts.
  - e. *Trafficways and Gateways.* Site plans shall address the effects of new structures or uses upon traffic at or near their sites. A major use may require a traffic study to determine potential effects and possible necessary mitigating actions. Proposed uses at entryways to the community shall provide appropriate design features to welcome travelers to the community.
  - f. *Security, Fire and Emergency Access.* Setbacks, access paths with adequate lane widths and sufficient areas for fire and emergency vehicle turnarounds, and fire hydrant locations (where applicable) shall be provided per existing statutes and ordinances and in accordance with requirements of the appropriate reviewing authorities. All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practical means to all sides. Where applicable, security shall also be considered integral to the design. Sufficient illumination and ease of

surveillance shall be addressed where appropriate.

2. Engineering Elements:

- a. *Drives, Parking and Circulation.* Parking spaces sufficient only for the intended use shall be allowed. Calculations and justification for spaces provided shall be noted on the plans. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, attention shall be given to the location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and neighboring properties. Parking areas shall be screened from roadways and from other adjacent uses by landscaped areas or by walls. Sufficient distance between drives and property lines shall be provided.
- b. *Surface Water Drainage.* Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in such a manner that it will not obstruct the flow of vehicular or pedestrian traffic, and will not puddle or freeze in paved areas. Run-off waters shall be detained or retained to remove sediments and to prevent erosion.
- c. *Utility Service.* New utility service distribution lines shall be underground wherever feasible. Any existing utility installations remaining above ground shall be placed out of sight as much as possible and situated harmoniously in relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the current standards, rules and regulations of those entities having jurisdiction. No project shall be approved without permits or authorization from all appropriate governing agencies.

B. General and Necessary Conditions

All other standards and requirements of this Ordinance and other applicable ordinances, regulations and statutes must be met by development plans presented for review under provisions of this Chapter. It is specifically intended that a use allowed in the Township will not be or become a nuisance within its neighborhood or to the Township as a whole.

The Planning Commission may confer or consult with a qualified expert, e.g., a planner, engineer, or landscape architect, at the applicant's expense, to aid it in evaluating a difficult or complex project.

SECTION 9.10 FINAL DEVELOPMENT SITE PLAN APPROVALS

- A. Complete drawings, plus all certified final drawings and plans which are subject to development site plan review and contain all necessary modifications or additions required, shall be submitted before final development site plan approval is granted.
- B. Conditions of Final Approval. Development Site Plans may be approved subject to the

performance of certain conditions, including the provision of required improvements as the Commission shall deem to be reasonable and necessary, or advisable under the circumstances, so that the objectives of the Zoning Ordinance, the Master Plan, and any other Township policies and regulations shall be achieved. A development site plan may be approved conditionally upon necessary or required approvals by other local, county, state, or federal agencies.

1. *Performance Guarantee for Required Conditions.* Security may be required to ensure performance of required conditions. The applicant may be required to furnish security in the form of a bond, certified check, or an irrevocable bank letter of credit, acceptable to the Township, in the amount fixed by the Planning Commission. If security is required, the Zoning Administrator shall not issue a zoning permit until the required performance guarantee is received and verified by the Township Clerk.
2. *Provisions of Required Improvements.* Whenever a development site plan approval is granted or modified subject to the conditions that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the Zoning Administrator.
3. *Non-performance of Required Conditions.* In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Township Board shall have the right to enforce a letter of credit or to use the monies being held as security 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 cover the costs incurred by the Township to complete the improvements, including attorney's fees and court costs, if any, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeded the amount of the performance guarantee. These costs shall be collected in the same manner as delinquent taxes or as allowed by law.
4. *Condition Declared Void.* Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of conditions of a development review approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said development site plan approval shall cease to be valid and all rights or privileges granted thereby shall end.
5. *Violation of Required Condition or Conditions.* Whenever a development site plan is approved or modified by the Planning Commission subject to a condition or conditions, the use or enjoyment of the development site plan in violation of, or without observance of, any such condition shall constitute a violation of the Zoning Ordinance, and development site plan approval may be revoked.

#### SECTION 9.11 SPECIAL USES AND CONCURRENT APPROVALS

The Planning Commission may choose to review Special Use Permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall make sure that both the site plan and special use submittals satisfy all requirements of this Ordinance.

## SECTION 9.12 AMENDMENTS TO APPROVED DEVELOPMENT PLANS

- A. Amendments to an approved development site plan may be made by the Planning Commission upon written request by the landowner. Minor changes to an approved development site plan may be approved by the Zoning Administrator after construction has begun, provided no such change results in any of the following:
1. A significant change in use or character of the development.
  2. An increase in overall coverage of structures.
  3. An increase in the intensity of use.
  4. A reduction in the required open space.
  5. A change that may increase the storm water run-off to adjacent properties.
  6. A reduction in required off-street parking and loading.
  7. A reduction in required pavement widths or utility sizes.
  8. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
- B. If the Zoning Administrator finds that a proposed amendment to an approved development site plan does not qualify as a minor change, he shall notify the landowner that he must apply for a modification of the development site plan in accordance with the procedures of Section 9.7; or if the developer or landowner has already effected the changes in question, the Zoning Administrator shall immediately notify the permit holder in writing that development site plan approval has been suspended pending approval by the Planning Commission of the proposed amendment. The permit holder's notice shall be delivered personally or by certified mail. The permit holder shall then apply for a modification of the development site plan in accordance with the procedures in Section 9.7 hereof.

## SECTION 9.13 TIME LIMIT FOR APPROVED SITE PLANS

- A. A site plan approval granted pursuant to this Chapter shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the site plan approval shall expire.
- B. The Planning Commission may grant one (1) extension of the site plan approval for a one (1) year period upon submittal in writing by the applicant of a request for an extension. The Planning Commission shall grant such an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to proceed within one (1) year.

## SECTION 9.14 APPEAL OF SITE PLAN REVIEW DECISIONS

Any person aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision to the Zoning Board of Appeals. The appellant shall file a letter with the Zoning Administrator within ten (10) days of the decision of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, and

the appeal shall be limited to the issues raised in the letter.

In its review of the decision, the Zoning Board of Appeals shall consider the following:

1. The appellant's letter and validity of grounds for appeal.
2. The minutes taken during the Planning Commission's review of the site plan.
3. Any other documentation presented to the Planning Commission prior to its decision on the site plan.
4. Any verbal or written information submitted to the Zoning Board of Appeals in response to a request for the information by the Zoning Board of Appeals.

In its determination of the appeal, the Zoning Board of Appeals may take any of the following actions:

1. Affirm the decision of the Planning Commission with or without modification.
2. Refer the matter back to the Planning Commission for further consideration, study, or additional documentation. The Zoning Board of Appeals shall inform the Planning Commission of the issues that it believes are in need of further consideration, study, or documentation. Once the Planning Commission has examined the issues, it shall send the matter with a report back to the Zoning Board of Appeals for a decision.
3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purpose of this Ordinance.

## **CHAPTER 10 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 10.1 ZONING ADMINISTRATOR**

Unless otherwise designated under a specific provision of this Ordinance, the Zoning Administrator shall be responsible for the administration of this Ordinance. The Zoning Administrator shall be a qualified individual appointed by the Township Board. The terms, conditions, and rate of compensation shall be determined by the Board. All authority delegated to the Zoning Administrator is granted by the Township Board.

### **SECTION 10.2 ZONING PERMIT REQUIRED**

Except as otherwise provided, no building or structure of any kind, including signs, shall be erected or any restricted use undertaken until a permit has been issued by the Zoning Administrator. Once it has been determined by the Zoning Administrator that the proposed building, structure, or use is in conformance with all the provisions of this Ordinance and appropriate fees are paid, a Zoning Permit may be issued. The Zoning Permit shall be non-transferable and shall remain valid for one (1) year from the date of issuance. A Zoning Permit must be obtained prior to the application for a building permit. Agricultural structures do not require a zoning permit; but the property owner must notify the Township Zoning Administrator in writing of his intent to construct such a building and provide a site plan and the building dimensions for the proposed structure.

### **SECTION 10.3 APPLICATION FOR ZONING PERMIT**

All applications for Zoning Permits shall be made to the Zoning Administrator with the accompanying fee. The fee shall be set by the Township Board. The application shall be made up of the following:

- A. A site plan drawn to scale showing the location and size of the proposed building, structure, or use as it relates to roads and rights-of-way, lot lines, other buildings on the site, existing or proposed sewage disposal facilities, existing or proposed water wells, and lakes, streams, or wetlands, and any other items required by this Ordinance to illustrate the intended use and its site; or the site plan approved by the Planning Commission or Zoning Board of Appeals.
- B. A statement by the applicant outlining the intended use and purpose for the proposed building, structure, or land in question.

### **SECTION 10.4 ISSUANCE OF ZONING PERMIT**

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall issue a Zoning Permit if it is found that the application is complete and that the proposed building, structure, and use is in conformance with the requirements of this Ordinance and all required fees are paid. The Zoning Administrator shall keep a record of all permits issued and report these monthly to the Planning Commission and the Township Board.

### SECTION 10.5 FAILURE TO OBTAIN PERMIT

The permit fee shall be doubled upon failure to obtain a permit from the Zoning Administrator before beginning construction.

### SECTION 10.6 DENIAL OF ZONING PERMIT

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall deny a Zoning Permit if it is found that the application is not complete or that the proposed building, structure, or use cannot be located in conformance with the requirements of this Ordinance, or the required fees are not paid. The Zoning Administrator shall inform the applicant in writing of the reasons for the denial of the permit. The Zoning Administrator shall keep a record of all permits denied and report these monthly to the Planning Commission and the Township Board.

### SECTION 10.7 REVOCATION OF ZONING PERMIT

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provision of this Ordinance or any false statement or misrepresentation made in the application. The revocation or cancellation of the Zoning Permit shall be made in writing and all construction, uses, or other activities allowed by the permit shall cease.

### SECTION 10.8 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR

Any decision of the Zoning Administrator concerning the enforcement or interpretation of this Ordinance may be appealed to the Zoning Board of Appeals. The appeal, along with the appropriate fee, shall be filed with the Township Clerk within ten (10) days of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review the available evidence and make a decision to uphold or reverse the decision of the Zoning Administrator.

### SECTION 10.9 ENFORCEMENT

- A. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be violations of this Ordinance shall be reported to the Zoning Administrator.
- B. The Zoning Administrator shall inspect all alleged violations of this Ordinance. In the event that a violation is found, the Zoning Administrator shall issue within seven (7) days from the date of inspection, a written order to correct the violation and to otherwise comply with the provisions of this Ordinance.
- C. After the order to correct has been issued, the violation shall be corrected within thirty (30) days. If the violation cannot be corrected within 30 days, an application to extend the correction period may be made to the Township Board. Any violation not corrected shall be reported to the Township Board. The Township Board may then initiate legal procedures against the violator.
- D. Any person, firm, or organization that violates or refuses to comply with any provision of

this Ordinance or lawful order of the Zoning Administrator, Zoning Board of Appeals, or Township Board issued pursuant to this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof, one shall be punishable by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment for not more than ninety (90) days, or both. Each day during which a violation continues shall be deemed a separate offense. The Township Board reserves the right to pursue civil remedies (the collection of fees, injunctive relief, and corrective measures) for certain provisions of this Ordinance in accordance with applicable state statutes.

- E. The Zoning Administrator, the Township Board, and the Zoning Board of Appeals, or any interested party may bring a suit for an injunction, mandamus, abatement or any other appropriate method to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

## **CHAPTER 11 ZONING BOARD OF APPEALS**

### SECTION 11.1 AUTHORIZATION

There is hereby established a Zoning Board of Appeals, which shall derive its authority from Public Act 184 of 1943, as amended. The Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety, and welfare is advanced, and that substantial justice is done.

### SECTION 11.2 MEMBERSHIP AND PROCEDURES

- A. The Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one (1) member may be a member of the Township Board, the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.
- B. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as 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 shall serve on the Board of Appeals 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 Zoning Board of Appeals members shall be for three (3) years, except for members of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- E. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose a chairman, and in the chairman's absence, an acting chair.
- F. Meetings shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of

Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.

- G. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members of the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and become public records.
- H. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- I. The Zoning Board of Appeals shall return a decision upon each case within a reasonable amount of time. All decisions of the Board of Appeals are final, and appeals must be filed with a court of competent jurisdiction.
- J. A member of the Zoning Board of Appeals shall disqualify oneself from a vote in which the member has a conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute misconduct.
- K. The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Chapter.

### SECTION 11.3 VARIANCES

The Zoning Board of Appeals is authorized to grant, upon application, variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which is dimensional in nature may be brought before the Zoning Board of Appeals to be considered for a variance. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out.

- A. The Board of Appeals shall ensure that all variances comply with the following:
  - 1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
  - 2. Will not permit the establishment of a use within a district where it is prohibited.
  - 3. Will not adversely effect property values in the immediate vicinity or in the Township as a whole.
  - 4. Will relate only to the property for which the application has been submitted.
  - 5. Is not a request that occurs regularly, that could be addressed through an amendment to this Ordinance.
- B. The Board of Appeals shall not grant a variance unless at least one (1) of the following is demonstrated:
  - 1. Where there are exceptional or extraordinary circumstances to the intended use or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they have been caused by the applicant or previous owner after

the effective date of this Ordinance.

2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally economic difficulty on its face is not a qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
  3. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendment thereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.
  4. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same district.
- C. Any variance that is denied wholly or in part shall not be resubmitted for review for a period of one (1) year from the date that the Board last took action on the request unless substantive new evidence is to be presented or new circumstances arise.
- D. No use variances may be granted by the Zoning Board of Appeals.

#### SECTION 11.4 ADMINISTRATIVE REVIEW

The Zoning Board of Appeals is authorized to review all decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or any other entity except as otherwise noted in this Ordinance. The appeal or request for administrative review shall be submitted to the Township Clerk with the required fee.

The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

#### SECTION 11.5 INTERPRETATION AND CLASSIFICATION OF USES

Upon application or petition and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret any uncertainty that may occur in the administration of this Ordinance.

- A. The Board shall determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.
- B. The Board shall interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its meaning, intent, or purpose.
- C. The Board may classify any activity which is not specifically mentioned in the district regulations as a Permitted Principal Use or a Conditional Use. The basis for such classification shall be that the activity is consistent and similar to the uses already listed in the district.
- D. The Board may determine the off-street parking and loading space requirements for any use or activity which cannot be determined under the provisions of this Ordinance.

The Zoning Administrator shall keep a record of all decisions made by the Zoning Board of Appeals and make such record available to the Township Board, Planning Commission and the

public.

## **CHAPTER 12 AMENDMENTS AND REZONING**

### **SECTION 12.1 AUTHORIZATION**

Amendments to this Ordinance may be made as is deemed necessary, and shall be in accordance with P.A. 184 of 1943, as amended.

### **SECTION 12.2 REZONING**

For the purposes of this Chapter and other applicable Sections of this Ordinance, the term “rezoning” shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this Chapter for Amendments.

### **SECTION 12.3 INITIATION OF AMENDMENTS**

Proposals for amendments may be initiated by the Township Board, Planning Commission, or any person or persons having an interest.

### **SECTION 12.4 PROCEDURE**

- A. Each petition by one (1) or more owners or their agents, to amend the text or map (rezoning) of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Township Board shall be paid at the time of application. The Zoning Administrator shall transmit the application and other information to the Planning Commission for its consideration and recommendations.
- B. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as set forth in the Township Master Plan, as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Following the notice and hearing requirements of this Section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the Township Board and the County Planning Commission.
- C. Before making a recommendation on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Township as specified in Sections 12.4 D and 12.4 E. Said notice shall contain the time, place, date and purpose of the hearing; the name of the applicant; a description of the property to be rezoned and the requested zoning change or, if a text change, an outline of the proposed amendment; and where and when the text of the proposed amendment may be examined.
- D. Notice shall be given by two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days, and the second not more than eight (8) days before the date of such hearing.
- E. Mailed or delivered notice shall be made in accordance with the following:

1. To each railroad, electric, gas, pipeline, and telephone company that chooses to register its name and mailing address with the Township for the purpose of receiving such notice. Said notice shall be made at least twenty (20) days in advance of the hearing.
  2. To each owner of property as listed on the most recent tax roll of all real property located within three hundred (300) feet of the area proposed for a map amendment. An affidavit of the delivery shall be filed with the Planning Commission. Said notice shall be made at least eight (8) days in advance of the hearing.
  3. To each occupant of all structures within three hundred (300) feet of the area proposed for a map amendment. An affidavit of the delivery shall be filed with the Planning Commission. Said notice shall be made at least eight (8) days in advance of the hearing.
  4. To the applicant and owner of the property in question.
- F. Upon receipt of the County Planning Commission's recommendation or expiration of thirty (30) days, the Township Board shall review both the County's and the Planning Commission's recommendations. The Township Board shall adopt or reject the proposed amendment unless one (1) or more of the following occurs:
1. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request for such a hearing with the Township Clerk. Said request shall be filed in a timely manner. The Planning Commission, or its designated representative, may be requested to attend the hearing. Notice of the hearing shall be published in a newspaper of general circulation within the Township. The notice shall be published not more than fifteen (15) nor less than five (5) days prior to the hearing.
  2. If the Township Board deems advisable any changes or additions to the amendment recommended by the Planning Commission, it shall refer the changes or additions back to the Planning Commission for a report thereon within thirty (30) days. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to any interested property owner who requests a hearing. The request for hearing shall be addressed to the Township Clerk and delivered by certified mail. The Township Board shall request the Planning Commission, or its designated representative, to attend the hearing.
- G. Following a hearing or review of the Planning Commission's report, the Township Board by majority vote of its membership may adopt or reject the proposed amendment with or without changes.
- H. If the amendment is adopted and an effective date is not specified, the amendment will take effect seven (7) days after publication.
- I. The amendment shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days of adoption. The notice shall contain:
1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;

2. The effective date of the amendment; and
  3. The time and place where a copy of the amendment may be purchased or inspected.
- J. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific land may be adopted by the Township Board and the notice of the adopted amendment published without a hearing or referring the amendment to any other board or agency provided for in this Ordinance.

## AMENDMENTS

SECTION NUMBER

DESCRIPTION

DATE