

# **SOLON TOWNSHIP**

# **ZONING ORDINANCE**

(With amendments effective through September 26, 2019)

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**CHAPTER 1  
SHORT TITLE AND PURPOSE**

**SECTION 1.01      SHORT TITLE.**

This Ordinance shall be known as the “Solon Township Zoning Ordinance.”

**SECTION 1.02      PURPOSE.**

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to, among other things:

- encourage the use of lands, waters and other natural resources in the Township in accordance with their character and most suitable use;
- to limit the improper use of land and resources;
- to provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued;
- to reduce hazards to life and property;
- to provide for orderly development within the Township;
- to avoid overcrowding of the population;
- to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered;
- to lessen congestion on the public roads and streets;
- to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses;
- to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements;
- to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.



**SECTION 1.03 THE EFFECT OF ZONING.**

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations herein specified for the zoning district in which it is located; these limitations being construed as the minimum legislation necessary to promote and protect the general safety and welfare of the community.
  
- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.
  
- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two years from the effective date of this Ordinance.

## CHAPTER 2 DEFINITIONS

### SECTION 2.01      RULES APPLYING TO TEXT.

- A. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the portion which can be given effect without the invalid portion or application, providing such remaining portions are not determined by the court to be inoperable, and to this end all portions of this Ordinance are declared to be severable.
- B. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the ordinance shall construe the provision to carry out the intent of the ordinance, if such intent can be discerned from other provisions of the ordinance or law.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- F. A “building” or “structure” includes any part thereof.
- G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3. “Either..or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

## **SECTION 2.02 DEFINITIONS – A.**

### **ACCESSORY BUILDING (Amended October 2003)**

An accessory building is a subordinate building which is occupied or used for an accessory use or accessory purpose and which is detached from the principal building located on the same premises. An accessory building which is attached to the principal building shall be deemed to be a part of the principal building. If the distance between the accessory building and the principal building is solidly covered by a breeze way, portico, covered colonnade or similar architectural device, the accessory building shall be considered to be a building attached to the principal building.

### **ACCESSORY USE**

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

### **AGRICULTURE**

The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

### **AGRITOURISM EVENT BUSINESS**

A farm that may also generate additional farm income by promoting the use of the farm for agricultural events and programs and whose proprietor resides on the site in a single-family dwelling unit; and which may include educational and/or outdoor recreational programs, such as hay rides, petting farms, non-motorized bicycle, horse, and foot trails, corn mazes, and haunted trails and barns; a public accommodation use, such as weddings and banquets; farm tours; and substantially similar activities. An agritourism event businesses may, with Planning Commission approval, be conducted on a non-farm property if the standards of Section 16.04.KK are satisfied, including 16.04.KK.3. (Added April 10, 2018)

### **ALLEY**

A public way not more than 30 feet in width which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

### **ALTERATIONS**

Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

## **ARCHITECTURAL FEATURES**

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

## **AVERAGE GRADE**

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

## **SECTION 2.03 DEFINITIONS – B.**

### **BASEMENT OR CELLAR**

A portion of a building having more than one-half of its height below grade.

### **BED AND BREAKFAST ESTABLISHMENT**

A use within a detached single dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

### **BOARD, TOWNSHIP**

The words, “Township Board” shall mean the Solon Township Board.

### **BOARD OF APPEALS, OR BOARD**

As used in this Ordinance, this term means the Solon Township Zoning Board of Appeals.

### **BOARDING STABLES AND RIDING STABLES**

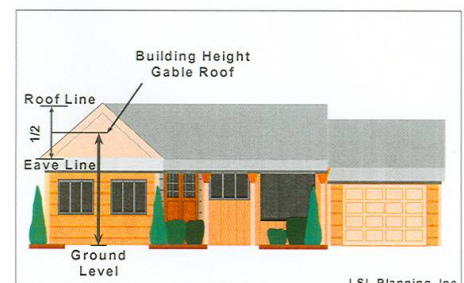
A structure or facility designed for the feeding, housing and exercising of horses kept for livery, let out for hire, or owned by someone other than the owner of the premises and for which such owner receives compensation. This definition shall include riding academies or other schools that care for, exercise and/or keep horses on location for use by students. (Added May 2015)

### **BUILDABLE AREA**

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met.

### **BUILDING**

An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses.



When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

## **BUILDING HEIGHT**

The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

## **BUILDING, MAIN**

A building in which is conducted the principal use of the lot on which it is situated.

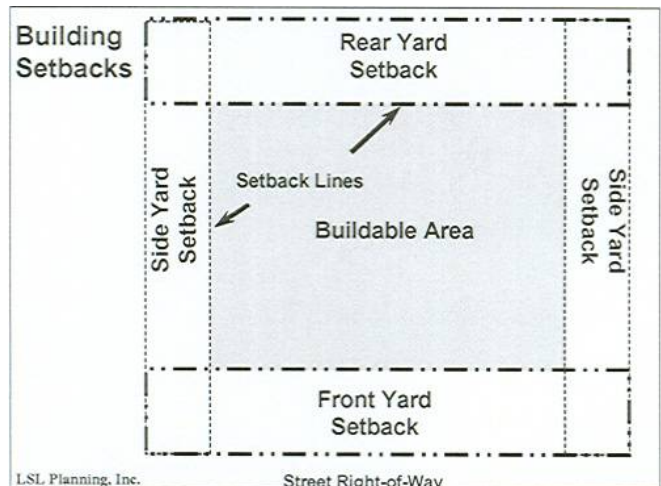
## **BUILDING PERMITS**

A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Township's building code.

## **BUILDING SETBACK LINES**

Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards.

- A. **Front Building Setback Line.** The line marking the setback distance from the front lot line which establishes the minimum front yard setback area.
- B. **Rear Building Setback Line.** The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. **Side Building Setback Lines.** Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.



## **SECTION 2.04 DEFINITIONS – C.**

### **CARRY-OUT SERVICE (Amended April 2009)**

A service that is ancillary to a permitted use involving the sale of pre-ordered and ready-to-consume food or non-alcoholic beverages, packaged and intended for consumption off the premises and delivered to customers not in motor vehicles, or in motor vehicles parked in spaces specifically designated and used exclusively for carry-out service.

## **CLINIC**

A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

## **COMMERCIAL**

This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than 12 days during any one 12-month period.

## **COMMERCIAL WAREHOUSE**

A building or group of buildings used in the storage, wholesale and distribution of manufactured products, supplies, components and equipment in accordance with the provisions of this Ordinance. A commercial warehouse shall not be used for the bulk storage of inflammable, explosive, toxic or hazardous materials. (Added March 13, 2007)

## **COMMISSION, PLANNING**

This term shall mean the Solon Township Planning Commission.

## **CONVALESCENT OR NURSING HOME**

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable state law.

## **SECTION 2.05 DEFINITIONS – D.**

### **DISTRICT, ZONING**

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

### **DRIVE-IN ESTABLISHMENT**

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples of drive-in establishments include banks, cleaners, and restaurants. Automobile service stations are not included in this definition.

**DRIVEWAY** (Amended January 2002; December 12, 2006)

An undedicated, privately controlled and maintained easement, right-of-way or other interest in land providing access from a public street or private street to no more than two lots, principal buildings, principal dwellings or principal structures, and providing ingress and egress primarily for the occupants thereof.

**DWELLING, OR DWELLING UNIT**

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

**DWELLING, MULTIPLE FAMILY**

A building or portion thereof, used or designed for use as a residence for three or more families living independently of each other and each doing their own cooking in said building. This definition includes three family buildings, four family buildings, and apartment houses.

**DWELLING, TWO FAMILY**

A detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

**DWELLING, SINGLE FAMILY (DETACHED)**

A detached building used or designed for use exclusively by one family. It may also be termed a one family unit.

**SECTION 2.06      DEFINITIONS – E.**

**EFFICIENCY UNIT**

This is a dwelling unit for one individual or small family consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than 720 square feet of usable floor area.

**ERECTED**

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

## **ESSENTIAL SERVICES**

The phrase “essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

## **EXCAVATING**

Excavating shall be the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, excepting common household gardening.

## **SECTION 2.07 DEFINITIONS – F.**

### **FAMILY**

- A. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

### **FAMILY DAY CARE HOME (Amended August 3, 2006)**

A private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes shall include a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. Such family day care homes shall be licensed under Act 116 of the Public Acts of 1973.

### **FARM**

The use of land for cultivation or for raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

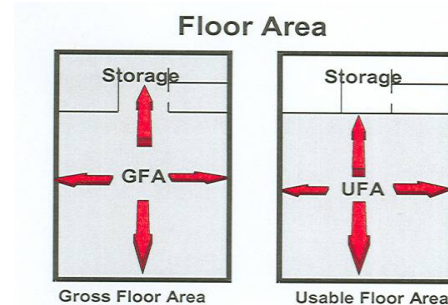


## FENCE

Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

## FLOOR AREA, GROSS (GFA)

The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The gross floor area of a building shall include the basement floor area only if more than one-half of the basement height is above finish lot grade. (See Basement.)



Gross floor area shall not include attic space having headroom of seven and one-half feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

## FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

## FRONTAGE (SEE LOT WIDTH)

### SECTION 2.08 DEFINITIONS – G.

## GARAGE

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one lot, for the occupants thereof, of commercial vehicles not exceeding a rated capacity of one ton.

## GROUP DAY CARE HOME (Amended August 3, 2006)

A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more

than four weeks during a calendar year. A group day care home shall be licensed in accordance with Act 116 of the Public Acts of 1973.

**SECTION 2.09      DEFINITIONS – H.**

**HOME OCCUPATION** (Amended November 2002)

An occupation customarily conducted in a dwelling and which is clearly an incidental and secondary use of the dwelling

**HOSPITAL**

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

**HOTEL**

A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

**SECTION 2.10      DEFINITIONS – I.**

**INOPERATIVE VEHICLES**

Any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

**INTENSIVE LIVESTOCK OPERATIONS**

- A.    A total of 750 dairy cattle (all classes); 750 slaughter or feeder cattle, 1,800 swine (all classes), 100,000 poultry (all classes); 5,000 sheep or goats (all classes); or 200 horses (all classes); or
- B.    A population per acre of at least four dairy cattle, four slaughter or feeder cattle, 20 swine, 700 poultry, ten sheep or goats, or four horses.

**SECTION 2.11      DEFINITIONS – J.**

**JUNK**

For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use of the purpose for which they were manufactured.

## **JUNK YARD**

The term “junk yard” includes automobile wrecking yards and salvage areas and includes any area of more than 200 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

### **SECTION 2.12 DEFINITIONS – K.**

#### **KENNEL**

Any lot or premises on which four or more animals, four months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

### **SECTION 2.13 DEFINITIONS – L.**

#### **LAWN**

Ground cover consisting of grass or sod kept closely mowed, commonly used as a primary ground cover.

#### **LOADING SPACE**

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

#### **LOT (Amended 3/12/2019; effective 8/8/2019)**

A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this Ordinance:

1. A platted lot, or a portion of a platted lot;
2. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
3. A condominium unit as established in compliance with this ordinance, which consists of an area of vacant land and a volume of surface or subsurface air space designed or intended for separate ownership, within which a building or other improvements may be constructed by the owner, shall be considered the equivalent of a “lot” and shall be subject to the applicable zoning ordinance requirements for lots.

**LOT AREA** (Amended December 12, 2006)

The total horizontal area within the lot lines of a lot, excluding lands within the right-of-way or easement for a street or for a driveway that serves a back lot under Section 3.26.B.

**LOT, CORNER**

A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two cords of which form an angle of 135 degrees or less.

**LOT COVERAGE**

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

**LOT, DEPTH**

The mean horizontal distance from the front lot line to the rear lot line, or the two front lines of a through lot.

**LOT, DOUBLE FRONTAGE (THROUGH)**

A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat in the request for zoning compliance permit. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

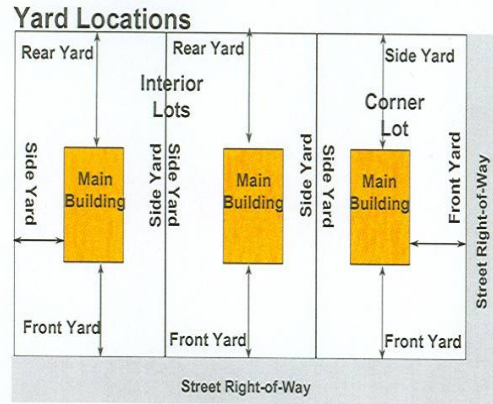
**LOT, INTERIOR**

A lot other than a corner lot with only one lot line fronting on a street.

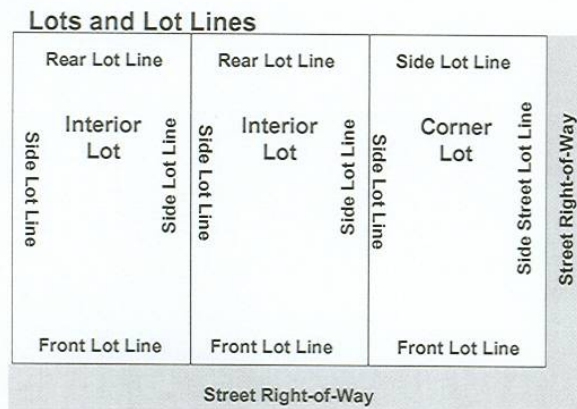
**LOT LINES**

The property lines bounding the lot.

- A. **Front Lot Line.** In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.



LSL Planning, Inc.



LSL Planning, Inc.

- B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Double Frontage Lot).
- C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- D. **Street Lot Line.** A lot line separating the lot from the right-of-way of a street or an alley.

**LOT OF RECORD** (Amended 3/12/2019; effective 8/8/2019)

A lot of record is a lot or parcel that is specifically and separately described in a deed or any recorded land contract, recorded memorandum of land contract or other recorded instrument, including a platted subdivision or a condominium and site condominium master deed, which has the effect of conveying the lot or an interest therein, and where such conveyance has received all required Township approvals and is recorded in the office of the Kent County Register of Deeds prior to the effective date of this Ordinance or any relevant amendment thereof. A recorded survey or the establishment of a separate tax identification number for a lot or parcel of land shall not, by itself, have the effect of establishing the lot or parcel of land as a lot of record.

**LOT, WATERFRONT**

A lot having frontage directly upon a lake, river or other naturally formed impoundment of water.

**LOT WIDTH** (Amended December 12, 2006)

The smallest horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines at all points between the front building setback line, and the rear building setback line. The front building setback line shall be measured from the front lot line, where the lot abuts the edge of the street right-of-way. Frontage on a street is a requirement for all lots except as provided in Section 3.26.B.

**SECTION 2.14 DEFINITIONS – M.**

**MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a “mobile home” in this Ordinance.

## **MANUFACTURED HOUSING COMMUNITY**

A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Also referred to as a “mobile home park” in this Ordinance.

## **MANUFACTURED HOME SITE** (Amended November 28, 2002)

An area or parcel of land within a manufactured housing community designed and used for the placement of one manufactured home.

## **MASTER PLAN**

The master plan, or land use plan currently adopted by Solon Township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan and any amendment to such plan.

## **MEDICAL MARIJUANA BUSINESS** (Repealed January 9, 2018)

## **MEDICAL MARIHUANA FACILITY** (Added January 9, 2018)

A medical marihuana facility is a grower, processor, secure transporter, provisioning center or safety compliance facility, as defined under the Medical Marihuana Facilities Licensing Act, being Act 281 of the Public Acts of 2016.

## **MOTEL**

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

## **MOTOR HOME**

A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

## **SECTION 2.15 DEFINITIONS – N.**

### **NONCONFORMING BUILDING**

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the ordinance in the zoning district in which it is located.

## **NONCONFORMING LOTS OF RECORD**

A platted lot that conformed with all Township zoning requirements at the time of recording of said plat, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; or a lot outside a recorded plat that conformed with all Township zoning requirements at one time, and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area, lot width, or both.

## **NONCONFORMING USE**

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the zoning district in which it is located.

## **NONRESIDENTIAL DISTRICT**

The NC, HC, or IND Districts.

## **SECTION 2.16 DEFINITIONS – O.**

### **OPEN AIR BUSINESS**

Uses operated for profit substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

### **ORDINARY HIGH WATER MARK**

The line between upland and bottomland 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. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

## **SECTION 2.17      DEFINITIONS – P.**

### **PARKING LOT**

A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

### **PARKING SPACE**

An off-street space of at least 180 square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

### **PERSONAL SERVICE ESTABLISHMENTS**

Any commercial business conducting services that are performed primarily on the premises.

### **PLANNED UNIT DEVELOPMENT**

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

### **PORCH, ENCLOSED**

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

### **PORCH, OPEN**

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

### **PUBLIC UTILITY (Amended November 2001)**

Except for wireless communication facilities, any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public electricity, gas steam, communications, telephonic, transportation or water.

## **SECTION 2.18      DEFINITIONS – R.**

### **RECREATION VEHICLE OR EQUIPMENT**

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts,



trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

## RESIDENTIAL DISTRICT

Residential district shall refer to the AR, R-1, R-2, R-3, and MHP Districts, as described in this Ordinance.

## ROADSIDE STAND

A farm building or separate structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

## SECTION 2.19 DEFINITIONS – S.

### SALVAGE YARD

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

### SATELLITE DISH ANTENNA, OR DISH ANTENNA

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

### SECONDARY STREET

The secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.

### SELF-SERVICE STORAGE FACILITY (MINI-WAREHOUSE)

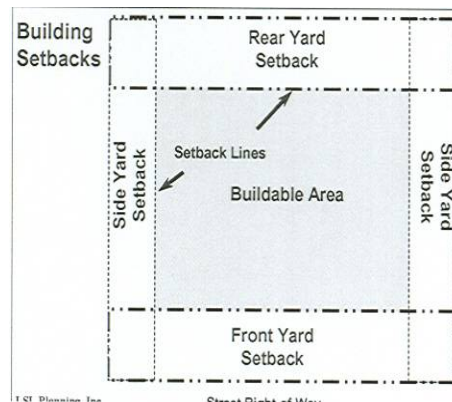
A building or group of buildings contained in a controlled access, fenced compound that contains compartmentalized, controlled access stalls or lockers for the storage of household or personal goods. A self-service storage facility shall not be used for commercial transactions, other than the rental of the storage units. Inflammable, explosive, toxic or hazardous materials shall not be stored in a self-service storage facility. (Added March 13, 2007)

### SETBACK; SETBACK AREA

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

### SHORELAND

The land area adjacent to and within 300 feet of a stream, river or lake.



## **SHORELINE**

The line between upland and bottomland 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.

## **SIGNIFICANT NATURAL FEATURE**

Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

## **STATE LICENSED RESIDENTIAL FACILITY**

A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under 24-hour supervision or care for persons in need of that supervision or care. This term does not include to such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

A FAMILY CARE FACILITY includes a state licensed residential facility providing resident services to six or fewer persons. A GROUP HOME CARE FACILITY includes a state licensed residential facility providing resident services to more than six persons.

## **STORY**

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over 50 percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

## **STORY, HALF**

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half the floor area of said full story, provided the area contains at least 200 square feet and which contains a clear height of at least seven and one-half feet, at its highest point.

## **STREET (Amended December 12, 2006)**

An easement, right-of-way or other interest in land established or used for the purpose of providing access to abutting land. A street may be a public street or a private street.

- A. A public street is an easement, right-of-way or other interest in land which has been conveyed or dedicated to, or accepted by, the Township, county or other governmental body for the purpose of providing access to abutting land.
- B. A private street is a non-public street that provides the means of access to three or more lots, principal buildings, principal dwellings or principal structures.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

**SUBSTANTIAL IMPROVEMENT**

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

**SECTION 2.20 DEFINITIONS – T.**

**TEMPORARY BUILDING OR USE**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, which period may not exceed six months.

**TRAVEL TRAILER**

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight feet in width or 35 feet in length. It includes folding campers and truck mounted campers.

**SECTION 2.21 DEFINITIONS – U.**

**USE, PRINCIPAL**

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

**SECTION 2.22      DEFINITIONS – V.**

**VEHICLE REPAIR**

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

**VEHICLE SERVICE STATION**

A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this article.

**VEHICLE WASH ESTABLISHMENT**

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**SECTION 2.23      DEFINITIONS – W. (Amended November 2001)**

**WIRELESS COMMUNICATION FACILITIES**

The following four definitions, related primarily to Section 3.30, shall apply in the interpretation of this Ordinance

- A.     Wireless communication facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
  
- B.     Attached wireless communication facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
  
- C.     Wireless communication support structure shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- D. Co-location shall mean the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

**SECTION 2.24 DEFINITIONS – Y.**

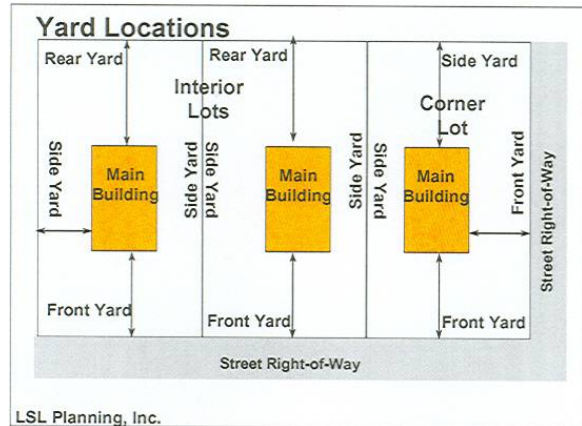
**YARD**

A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- B. A rear yard is an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- C. A side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

**YARD, FRONT, REAR, SIDE**

A general term describing the space on a lot or parcel containing a main building, lying between the main building and the respective front, rear and side property lines.



**SECTION 2.25 DEFINITIONS – Z.**

**ZONING ACT (Amended August 3, 2006)**

The Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of Michigan of 2006, as may be amended from time to time.

**ZONING ADMINISTRATOR**

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

**ZONING BOARD OF APPEALS, OR BOARD**

The Zoning Board of Appeals of Solon Township.

**CHAPTER 3  
GENERAL PROVISIONS**

**SECTION 3.01      REQUIRED AREA, SPACE, HEIGHT, AND USE CONDITIONS  
AND EXCEPTIONS.**

- A.     No lots or lots in common ownership and no yard, parking area or other space shall be so divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- B.     A lot, which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the district in which it is located, provided the lot conforms to the requirements of the Kent County Health Department. The main building on such lot shall be located so that it meets at least 80 percent of the side yard requirements of this Ordinance. In all cases, the minimum front and rear yard requirements of this Ordinance shall be met.
- C.     If two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, are:
1.     in common ownership;
  2.     adjacent each other or have continuous frontage; and
  3.     individually do not meet the lot width or lot area requirements of this Ordinance,
- the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. Such parcels shall be combined into such lot or lots meeting the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner, which diminishes compliance with lot width and area requirements of this Ordinance.
- D.     **Height Exceptions.**
1.     The following buildings and structures shall be exempt from height regulations in all districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generator, and television and radio reception and transmission antennas and towers which do not exceed 100 feet in height.
  2.     Additions to existing buildings and structures which now exceed the height limitations of their district may be constructed to the height of the existing to which the addition is attached if the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

**SECTION 3.02      PRINCIPAL USE.**

- A. No lot or parcel of land shall contain more than main building or one principal use.
- B. Land and buildings may be considered a principal use collectively if the following conditions are met.
  - 1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
  - 2. All uses, if not the same, shall be similar in function and/or operation.

**SECTION 3.03      STREET ACCESS. (Amended November 28, 2002)**

Any lot of record created after the effective date of this Ordinance shall front upon a public street or a private street complying with the requirements of Section 3.26. The length of the frontage of such lot on a public or private street shall be at least as great as the minimum lot width required by this Ordinance for the zone district in which the lot is located.

**SECTION 3.04      BASIS OF DETERMINING FRONT YARD REQUIREMENTS.**

- A. The front yard setback line shall be measured from the right-of-way line or property line, to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district, excepted as noted in Section 3.4.B.
- B. Where an average setback line, which is less than that required by this Ordinance has been established by existing buildings, located within 200 feet of the proposed building, such average setback shall apply.
- C. On corner and through lots, the front yard requirements shall apply on both streets.
- D. On waterfront lots, the front yard requirements shall apply on the waterfront side of the lot. The street side, or lot line opposite the front lot line shall be considered the rear lot line.

**SECTION 3.05      MINIMUM LOT WIDTH FOR IRREGULAR SHAPED LOTS.**

The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum lot width of 40 feet at the front property line.

**SECTION 3.06      PROJECTIONS INTO YARDS.**

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
  - 1. May project a maximum of four feet into a front or rear yard setback area.

2. Shall not project into the side yard setback.
- B. Porches, terraces, decks, balconies, window awnings, and similar structures, which are open on all sides, unenclosed, and uncovered.
1. On non-waterfront lots such structures:
    - a. May project a maximum of ten feet into a front yard setback area.
    - b. May project a maximum of 15 feet into a rear yard setback area.
    - c. Shall not project into a side yard setback area.
    - d. Shall not be placed closer than ten feet to any front or rear lot line.
  2. On waterfront lots such structures:
    - a. Shall meet the average front and rear yard setbacks established by existing similar structures on waterfront lots adjacent to the subject property.
    - b. Shall not project into a side yard setback area.
    - c. Shall not be placed closer than ten feet to any front or rear lot line.
    - d. Where there is no average front or rear yard setback, such structures may project a maximum of ten feet into a required front or rear yard.
    - e. In no case shall such structures be placed closer than 30 feet to the ordinary high watermark, or shoreline, as measured at the midpoint of the lot.
  3. If such structures are enclosed on any side or covered in any manner they shall be considered part of the main building.

**SECTION 3.07 ACCESSORY BUILDING AND USES.** (Amended January 3, 2018; amended March 12, 2019; amended September 10, 2019))

- A. In any zoning district, an accessory building shall comply with the requirements of this section. If an accessory building is attached to the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character, roof lines, materials and siding of accessory buildings in the R-1, R-2, R-3 Districts, shall be reasonably compatible with and reasonably similar to those of the principal dwelling.
- B. An accessory building or use shall be permitted only on a parcel which contains a principal use or is authorized by special land use as a Lakefront Accessory Lot pursuant to Section 3.07.M.



- C. An accessory building shall not be used for residential or living quarters, unless specifically authorized elsewhere in this Ordinance.
- D. No commercial use shall be conducted in any accessory building, except for permitted bona fide farm uses and home occupation uses in compliance with Section 3.22.
- E. A parcel of land in the PUD District shall comply with the accessory building regulations governing the zoning district applicable to the parcel immediately before it was zoned to the PUD District, unless the Zoning Ordinance provides otherwise.
- F. Accessory buildings in the IC District shall be permitted according to the provisions of Chapter 10A, and accessory buildings in the MHC District shall be permitted according to the provisions of Chapter 12. (Amended February 9, 2016)
- G. This section shall not apply to accessory buildings used on bona fide farms, for bona fide agricultural operations that comply with generally accepted agricultural and management practices as established by the Michigan Commission of Agriculture.
- H. Location and yard requirements for accessory buildings:
  - 1. Accessory buildings shall be located a minimum of ten feet from any principal building.
  - 2. Accessory buildings located in the rear yard shall not be located closer than 15 feet to the rear lot line or closer than 25 feet to the water's edge in the case of a waterfront lot, except that pump houses may be located between the principal building and the water's edge if they do not exceed three feet in height. If a back lot line adjoins a side yard of an adjacent lot, no part of an accessory building shall be nearer to said lot line than the side yard requirements of the district.
  - 3. Accessory buildings shall not occupy more than 30 percent of any required rear yard area.
  - 4. Accessory buildings may be located in the side yard, provided they shall not be closer to any side lot line than the principal building is permitted.
  - 5. Accessory buildings may be located in a front yard, provided:
    - (a) Accessory buildings shall comply with the side yard requirements of the district.
    - (b) The accessory building must be at least twice the distance from the front lot line as the minimum front yard setback for such district, except in the R-3 Waterfront Residential District accessory buildings may be as close as the minimum front yard setback requirements for the principal building.

- (c) Accessory buildings shall not be located in the front yard of any parcel which is smaller than two acres, except in the R-3 Waterfront Residential District.
- (d) As to corner lots, each side of the lot abutting the street right-of-way shall be considered a front yard.

I. **Residential Accessory Buildings.** Accessory buildings on residential lots or parcels shall meet the following requirements:

1. **For Parcels Less Than One Acre.** Not more than one accessory building shall be permitted, and the accessory building shall not exceed 720 square feet in area or have a door opening greater than 12 feet in height. The accessory building shall not be greater than 16 feet in height. The longer dimension of an accessory building shall not be more than twice the shorter dimension.
2. **For Parcels at Least One Acre, But Less Than Two Acres.** Not more than one accessory building shall be permitted, and that accessory building shall not exceed 960 square feet in area or have a door opening greater than 14 feet in height. The accessory building shall not be greater than 20 feet in height. The longer dimension of an accessory building shall not be more than twice the shorter dimension.
3. **For Parcels at Least Two Acres, But Less Than Five Acres.** No more than two accessory buildings shall be permitted, and the combined square footage of both buildings shall not exceed 2,400 square feet. An accessory building located on such a parcel shall not have a door opening greater than 14 feet in height. The accessory building shall not be greater than 20 feet in height. The longer dimension of an accessory building shall not be more than twice the shorter dimension.
4. **For Parcels Five Acres or More.** Not more than three accessory buildings shall be permitted, and the combined total square footage of all accessory buildings shall not exceed 4,000 square feet. An accessory building located on such a parcel shall not have a door opening greater than 14 feet in height. The accessory building shall not be greater than 20 feet in height. The longer dimension of an accessory building shall not be more than twice the shorter dimension.

Notwithstanding the foregoing, for parcels eight acres or more, the maximum square footage of all accessory buildings shall not exceed 8,000 square feet, rather than 4,000 square feet; the maximum building height shall be 25 feet, rather than 20 feet, and the minimum rear and side yard setback shall be 20 feet for any parcel where the total square footage of accessory buildings exceeds 4,000 square feet. (Added September 10, 2019)

- J. **Special Land Use.** Accessory buildings greater in number than or larger than those permitted in subsection I may be permitted by the Planning Commission as a special land use. The Planning Commission shall consider, in reviewing the application for such a special land use, all of the following:
1. The intended use of the accessory building.
  2. The proposed location of the accessory building, its type of construction and its general architectural character.
  3. The size of the accessory building in relation to the principal building and the area of the lot or parcel of land on which the buildings are or will be located.
  4. The type and kind of principal and accessory buildings and structures located on adjoining lands and in the immediate vicinity.
  5. The topography and vegetation of adjoining and nearby lands.
  6. Whether the proposed accessory building will adversely affect the light, air circulation and view of adjacent or nearby buildings or lands.
  7. The reasons and grounds for the special land use application.
  8. The points of access to and from the proposed accessory building and the relationship of such points of access to adjacent or nearby lands and the view from adjacent streets.
  9. Comments concerning the requested special land use.
- K. Accessory uses are permitted in any zoning district as regulated in this Ordinance, when located on the same lot or parcel of land.
- L. A track, area or artificial or natural earth features, used for racing, practicing, exhibition, competition, trials, gatherings or testing of motorcycles, off-road vehicles, snowmobiles or other motorized vehicles, such as a motocross track, mud bog or similar use by persons other than the family members occupying a single-family dwelling or two-family dwelling unit on property located in the AR District, shall not constitute an accessory structure or accessory use of the property. In a planned unit development or an open space preservation area as provided under Chapter 13A of this Ordinance, the uses described in this subsection shall not be permitted in the planned unit development or open space preservation lands unless specifically authorized in the ordinance establishing the planned unit development or open space preservation area.
- M. **Lakefront Accessory Lots.** A Lakefront Accessory Lot shall be a lot which satisfies the requirements of this subsection 3.07.M and for which special land use approval is obtained pursuant to Chapter 16. A Lakefront Accessory Lot may contain an accessory building or a private boat launch, or both, even if such Lakefront Accessory Lot does not contain a principal building or use.

**SECTION 3.08      REGULATIONS      APPLICABLE      TO      SINGLE      FAMILY  
DWELLINGS.**

It is the intent of this section to establish minimum standards of appearance and construction for all single family dwellings placed in the Township, whether constructed on a lot or a manufactured home. Construction and/or placement of a single family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be:
  - 1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or
  - 2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection 1 above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the district in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation that complies with applicable provisions of the building code adopted by the Township.
- E. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- F. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of 20 feet at time of manufacture, placement or construction.
- G. The dwelling shall be provided with one accessory building or garage, either attached to the dwelling unit or detached on the same lot, having minimum dimensions of eight feet in width by ten feet in length.
- H. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Kent County Health Department. Except for lakefront lots in the R-1 District, the following dwellings, including dwellings that may be located in OS-PUD and Open Space Developments, shall be connected to a public or state-approved community sewer system and a public or state-approved community water supply system.

1. A dwelling located on a lot that is less than one acre in size, except legal non-conforming lots as prescribed in Section 3.24.B and except dwellings and/or lots of record at the time this ordinance becomes effective.
  2. A dwelling located in a land development that requires partitioning or splitting under Act 288 of 1967, as amended, being the Land Division Act, whether actually partitioned under the platting provisions of the Land Division Act, developed under Act 549 of the Public Acts of 1978, as amended, being the Condominium Act, or otherwise developed and partitioned, if such dwelling is to be located on a lot, unit (in condominiums) or parcel which is one acre (1.0) or less in size. This requirement shall not apply to dwellings, lots, condominium units, plats or approved condominium developments of record at the time this ordinance becomes effective. (Amended 3/12/2019; effective 8/8/2019)
- I. The foregoing standards shall not apply to a manufactured home located in a manufactured home park licensed by the Michigan Mobile Home Commission and approved by the Township according to the provisions contained in Chapter 12 of this Ordinance except to the extent required by state or federal law.

**SECTION 3.09      TEMPORARY USES OR BUILDINGS REQUIRING ZONING ADMINISTRATOR AUTHORIZATION.**

- A. Upon application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than six calendar months. The Zoning Administrator may renew permits for one additional successive period of six calendar months or less at the same location and for the same purpose.
1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
  2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, such temporary office or model home shall be removed when 50 percent or more of the lots or units have been sold or leased.
- B. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any residential district.
1. Prior to issuing such permit the Zoning Administrator shall make the following determinations:
    - a. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
    - b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.

- c. The manufactured home dwelling meets the requirements of the Kent County Health Department and all applicable Township ordinances.
  - 2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.
- C. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this section are met. The Zoning Administrator shall determine that:
  - 1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties.
  - 2. The use or structure is reasonably necessary for the convenience and safety of the construction proposed.
  - 3. The use or structure does not adversely impact the character of the surrounding neighborhood.
  - 4. Access to the use area or structure is located at a safe location.

**SECTION 3.10 FENCES.**

- A. Fences may not be constructed in any public right-of-way.
- B. Unless specifically provided for elsewhere in this Ordinance, a fence may not exceed a height of three feet within any front yard setback area, or a height of six feet in any other area, except as noted in Section 3.10.C and D.
- C. No fence shall contain any barbed wire or electrification unless necessary for agricultural purposes or for security in a nonresidential district, or for the protection of public utility buildings or improvements. The barbed portion of the fence shall be at least six feet from the ground, in which case the height of a fence may extend to a maximum of seven feet.
- D. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard up to a height of six feet. Such fences shall be of an open type so as to not obstruct vision.

**SECTION 3.11 GREENBELTS AND LANDSCAPING.**

- A. In order to provide protective screening for residential areas adjacent or near nonresidential areas, a landscaped greenbelt may be required by the Township to be installed by the nonresidential property owners. The greenbelt shall be a strip at least ten feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five feet in height, or a hedge of evergreens at least four feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer.

The portion of the landscaped area not covered by plantings shall be kept in a healthy growing condition, neat and orderly in appearance.

- B. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

**SECTION 3.12 INSTALLATION OF LANDSCAPING.**

Any site on which a use permitted by this Ordinance is established shall install a lawn or other type of living ground cover for all land areas not covered by impervious surfaces within six months after a certificate of occupancy is issued. A performance guarantee may be required by the Township to ensure that landscaping is installed within the six-month period. No landscape materials other than lawn and street trees approved by the Kent County Road Commission shall be planted within any public road right-of-way.

**SECTION 3.13 CLEAR VISION.**

- A. No plantings shall be established or maintained on any corner lot, which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.
- B. This shall not prohibit the planting of shrubbery that will not achieve a height at maturity of more than 30 inches.
- C. No vegetation shall be maintained in any front yard setback area which, in the opinion of the Zoning Administrator, will obstruct the view from of vehicles entering or leaving the site from driveways or adjacent roadways.

**SECTION 3.14 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO TRIBUTARIES OF THE ROGUE RIVER.**

- A. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of 100 feet (as measured from the shoreline or ordinary high water mark) of Duke Creek (tributary of the Rogue River).
- B. **Vegetative Strip.**
  - 1. A strip 25 feet bordering each bank of Duke Creek, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing of dead or obnoxious plants.
  - 2. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.

**SECTION 3.15 ESSENTIAL SERVICES.**

The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any use district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance.

**SECTION 3.16 TEMPORARY STORAGE OF USED MATERIALS.**

The storage, collection, or placing of used or discarded material, such as lumber, scrap iron, ashes, slag or other commercial or industrial by-products or waste may be permitted subject to a temporary permit obtained from the Zoning Administrator, which shall be accompanied by a performance guarantee. In reviewing such request, the Zoning Administrator shall consider the length of time requested, the visibility of such storage area from surrounding properties, potential safety concerns, the ability to provide adequate security fencing and aesthetic screening, and other factors relevant to the specific location.

**SECTION 3.17 ILLEGAL DWELLINGS.**

The use of any basement for dwelling purposes is forbidden in any zoning district unless said basement meets the appropriate building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

**SECTION 3.18 EXCAVATIONS OR HOLES.**

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued by the Building Inspector where such excavations are properly protected and warning signs posted in such manner as approved by the Building Inspector; and provided further, that this section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.

**SECTION 3.19 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS.**

The outdoor storage or parking of recreational vehicles shall be prohibited in all residential districts, unless the following minimum conditions are met:

- A. All such vehicles, if parked outside, shall not be located in any required front, rear, or side yard setback; provided however, that any such vehicle may be parked within the required front yard setback for a period not to exceed 30 consecutive days, solely for the purpose of displaying such vehicle for sale. On the street sides of a corner lot such vehicles shall not project beyond the side of the principal or accessory building.



- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling. The lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a residential district.
- C. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, provided that such equipment may be parked and used for living or housekeeping purposes for a period not exceeding 14 days in any six-month period, provided that running water or indoor sewage facilities within such equipment is not utilized.

**SECTION 3.20 SATELLITE DISH ANTENNAS.**

- A. In any nonresidential district, the following restrictions shall apply:
  - 1. The dish antenna shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.
  - 2. The nearest part of the antenna shall be at least five feet from any property line.
  - 3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
  - 4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation.
  - 5. A site plan shall be prepared and submitted to the Building Inspector for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- B. In any residential district, the following restrictions shall apply:
  - 1. The dish antenna shall be permitted in the rear yard only.
  - 2. The nearest part of the antenna shall be at least five feet from any property line.
  - 3. The unit shall be securely anchored as determined by the Building Inspector.
  - 4. The maximum height measured from the ground to the top edge of the dish shall be 15 feet.
  - 5. The antenna shall be an unobtrusive color, as approved by the Building Inspector. Nor shall any portion of the dish antenna contain any name, message, symbol, or other graphic representation.
  - 6. A site plan shall be submitted to the Building Inspector for approval prior to the issuance of a building permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.

- C. The Zoning Administrator shall permit waiver or modification of these restrictions to the minimum extent necessary to permit full reception, if existing buildings, vegetation, topography, or other factors cause interference with reception.

**SECTION 3.21 EXTERIOR LIGHTING IN RESIDENTIAL DISTRICTS.**

All lighting of a high intensity nature on residential properties, intended to illuminate broad areas, shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent residential properties or roadways.

**SECTION 3.22 HOME OCCUPATIONS.** (Amended November 28, 2002)

Home occupations shall comply with all of the following requirements:

- A. A home occupation shall be limited to the home occupations permitted in subsection H of this section.
- B. A home occupation shall be an occupation customarily conducted in a dwelling and shall be clearly incidental and secondary to the use of the dwelling as a place to live. A home occupation may also be conducted in one detached residential accessory building located on the parcel of land where the dwelling is located, but the maximum floor area of any such accessory building shall comply with the maximum floor area requirements stated in Section 3.07.F.
- C. A home occupation may be engaged in by only the persons who reside in the dwelling and not more than one non-resident person.
- D. There shall be no change in the outside appearance of the dwelling, any detached accessory building or other part of the premises, as a result of the conducting of the home occupation, nor shall there be other externally-visible evidence of the home occupation, except that there may be one sign for the purpose of identifying the home occupation, such sign to be placed either flat against an exterior wall of the dwelling or flat against an exterior wall of a detached residential accessory building used in the home occupation, or as a freestanding sign, in compliance with the following requirements:
  - 1. If mounted flat against an exterior wall of the dwelling, the sign shall not exceed six square feet in area and shall not be illuminated.
  - 2. If a freestanding sign, the sign shall not exceed six square feet in area, shall not be higher than four feet above the ground at the base of the sign, shall not be illuminated and shall not be closer to the nearest street right-of-way line than one-half the depth of the required front yard building setback in the zone in which the sign is located.
- E. Any motor vehicle traffic generated by the home occupation shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impact shall have no serious adverse effects on adjacent or nearby lands.

- F. If the parking of motor vehicles will result from the home occupation, an adequate off-street parking area shall be provided on the parcel of land where the home occupation is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home occupation may be parked in a driveway that is used to provide vehicle access to the dwelling.
- G. A home occupation may not include any equipment, materials, process or activity which creates noise, vibration, fumes, odors, glare or electrical interference that would be reasonably detectable off the property where the occupation is conducted. In the case of equipment, processes or activity which use electric power, there shall be no resulting visual or audible interference in any radio or television equipment used off the premises, nor shall there be any resulting adverse effect upon the use of other electrically-powered appliances or equipment used off the premises.
- H. The following home occupations shall be permitted:
1. Dressmaking, sewing and tailoring.
  2. Painting, sculpturing and writing.
  3. Telephone answering service.
  4. Home arts and small-sized crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making, but any sales of such arts and crafts shall be only an incidental and secondary activity to the home arts and crafts work, and shall therefore take place only infrequently; any daily or otherwise frequent sales activity shall take place only on other premises.
  5. Musical instrument instruction, except that no instrument may be amplified so as to be audible beyond the parcel of land where the use occurs.
  6. Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like, but any sales shall be only an incidental and secondary activity to the storage and distribution of direct sale products, and shall therefore take place only infrequently; any daily or otherwise frequent sales activity shall take place only on other premises.
  7. Private tutoring.
  8. Telephone solicitation work.
  9. Home cooking and preserving.
  10. Private business office in the home or in a lawful accessory building, involving files, records, papers, use of computers and other business equipment, but not including the sale or rental of goods or products to customers on the premises or the rendering of services to customers or clients on the premises, except on an occasional, irregular basis.

11. The indoor or outdoor convenience parking of one commercial truck or other commercial motor vehicle, with a capacity less than that of a semi-trailer truck, owned by a resident of the dwelling, and which shall be parked in a safe and adequate off-street parking area; provided, however, that any such vehicle may not be parked within any required side yard, nor shall there be serious adverse effects upon adjacent or nearby lands resulting from the parking of such vehicle, by reason of noise, vibration or other adverse impacts.
12. Other home occupations complying with the requirements of this section and which are determined by the Zoning Administrator or, if referred by the Administrator to the Planning Commission, then determined by the Planning Commission to be similar in character to those listed in this subsection, and which do not have adverse effects on adjacent or nearby lands that are greater or more serious than those resulting from any of the above-listed home occupations.

### **SECTION 3.23 SEASONAL USES.**

- A. The Zoning Administrator, upon receiving an application, may issue a permit for the temporary sale of merchandise in any district, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.
- B. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
  1. That the use does not have an unreasonable detrimental effect upon adjacent properties.
  2. That the use does not impact the nature of the surrounding neighborhood.
  3. That access to the area will not constitute a traffic hazard due to ingress or egress.
  4. That adequate off-street parking is available to accommodate the use.
- C. Each permit shall be valid for a period of not more than two calendar months and may be renewed by the Zoning Administrator for up to one additional successive month, provided the season or event to which the use relates is continued.

### **SECTION 3.24 NONCONFORMING STRUCTURES, LANDS AND USES.** (Amended March 2006)

- A. **Intent and Purpose.** The purpose of this section is to provide regulations concerning lots and parcels of land, buildings, structures, and the uses thereof which were lawful prior to the enactment of this Ordinance, or relevant amendment thereto, but which are prohibited or more strictly regulated under the current provisions of this Ordinance.

Further, the provisions of this section are intended to permit such lawfully nonconforming lots and parcels of land, buildings, structures and uses to continue, though not to encourage their nonconforming status on a long term basis. Because the continued existence of such nonconforming lots, buildings, structures and uses prevents the full realization of the goals and purposes of this Ordinance, a significant purpose of this section is to promote the reduction or elimination of such non-conformities.

The provisions of this section are intended to accomplish the following:

1. To permit lawful nonconforming buildings, structures and uses to remain until they are discontinued or removed.
2. To permit lawfully nonconforming lots and parcels of land to be improved by the construction and use of buildings only as specifically permitted by the terms of this Ordinance.
3. To promote the termination and removal of any use, building or structure in violation of this Ordinance that was established prior to the effective date hereof or prior to the effective date of any relevant amendment thereto.
4. Encourage the combining of contiguous nonconforming lots or parcels of land, so as to create lots and parcels which comply with current minimum provisions as to area, width and other aspects thereof.
5. To encourage the improvement of buildings and structures so as to comply with current minimum provisions of this Ordinance.

**B. Lawfully Nonconforming Lots and Parcels of Land.**

1. Any parcel of land that is platted or is otherwise of record at the time of the adoption of this Ordinance and that does not comply with the minimum lot area requirement and/or minimum lot width requirement for the district in which the parcel of land is located, may nevertheless be used for a use permitted in that district if at least 90 percent of each minimum yard requirement is satisfied.
2. Adjacent parcels of land in common ownership that are platted or are otherwise of public record at the time of adoption of this Ordinance, and which each comply with at least 90 percent of the required minimum lot area requirement and 90 percent of the minimum lot width requirement may also be used and developed as separate parcels of land, but where such parcels of land in common ownership do not comply with 90 percent of the minimum lot area requirement or 90 percent of the minimum lot width requirement, such parcels shall be combined so as to comply with such 90 percent requirement.
3. For purposes of this section, an existing parcel of land of record means a lot or parcel that is described in a deed or other conveyancing instrument recorded in the office of the Register of Deeds prior to the effective date of this Ordinance or any relevant amendment thereof, or any recorded land contract, recorded

memorandum of land contract or other recorded instrument, including a platted subdivision and a condominium and site condominium master deed, which has the effect of conveying the land or an interest therein. A recorded survey or the establishment of a separate tax identification number for a parcel of land shall not, by itself, have the effect of establishing the parcel of land as an existing lot or parcel of record.

**C. Lawfully Nonconforming Buildings and Structures.**

1. Building and structures which are existing and lawful on the effective date of this Ordinance or any relevant amendment therein may be continued even though such buildings and structures do not comply with the provisions of this Ordinance or any relevant amendment therein, subject, however, to the following limitations:
  - a. A nonconforming building or nonconforming structure devoted to a conforming use shall not be enlarged or altered in any manner or to any extent which increases the nonconformity of the building or structure.
  - b. If a nonconforming building or structure is altered or modified so as to eliminate, remove, or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be subsequently reestablished or increased.
  - c. Repairs, improvements, or modernizing of a nonconforming building or structure are permitted, provided that such repairs, improvements, or modernizing do not exceed one-half the value of the building or structure during any period of 12 consecutive months. The calculation of such value shall not include costs associated with the modernizing of electrical, plumbing, heating or cooling systems in order to meet Township building code requirements.
  - d. A lawfully nonconforming building may be altered, modernized, restored or otherwise improved if such activity will cause the building or structure to be more conforming to the provisions of this Ordinance.
  - e. If a nonconforming building or nonconforming structure is damaged or destroyed to the extent of 60 percent or more of its real value by fire, flood, wind or other casualty, the reconstruction, restoration and use of the building or structure shall occur only in compliance with this Ordinance; provided, however, that the Zoning Board of Appeals may grant a variance from this provision, but only to the minimum extent necessary to accomplish a reasonable use of the lot, building or structure. A nonconforming building or a nonconforming structure that is damaged or destroyed to a lesser extent may be reconstructed or restored to the extent of its size existing prior to such damage or destruction and its use may then be resumed. Any such restoration shall be started within a period of one year from the time of such damage or destruction and shall be diligently pursued to completion.

**D. Lawfully Nonconforming Uses of Buildings and Structures.**

1. The lawful use of any building or structure existing and lawful on the effective date of this Ordinance or any relevant amendment therein may be continued, even though the use of such building or structure does not comply with the provisions of this Ordinance or any relevant amendment therein, subject however to the following provisions:
  - a. Any lawfully nonconforming use may be expanded or extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the effective date of this Ordinance or any relevant amendment therein, but no such nonconforming use shall be expanded or extended to occupy any portion of the land outside the building.
  - b. No existing building or structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except by reason of changing the use of the building or structure to a use that is permitted in the zoning district in which the building or structure is located.
  - c. If a structure which conforms with the provisions of this Ordinance, but which is used or occupied by a nonconforming use, is damaged by fire, wind, or other casualty to the extent that the cost of reconstruction or restoration exceeds 60 percent of the value of the building or structure prior to the occurrence of the casualty, as determined by the most recent Township assessment of the value of the building or structure, excluding the value of the land, then such building or structure may be reconstructed or restored only if the use thereof complies with the provisions of this Ordinance; provided, however, that the Zoning Board of Appeals may grant a variance from this provision, but only to the minimum extent necessary to accomplish a reasonable use of the lot, building or structure.
  - d. On any building or structure that is devoted in whole or in part to a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of fixtures, wiring, heating, plumbing, or other building systems, to an extent not exceeding 10 percent of the current replacement value of the building or structure, provided that the building or structure is not thereby enlarged, extended, or structurally altered.
  - e. No provision in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or any part thereof that is declared to be unsafe by any Township official having jurisdiction over the safety or condition of any building or structure.

- f. If a nonconforming use of any building or structure is terminated and replaced by a permitted use, the nonconforming use shall not be later reestablished.
- g. When a nonconforming use of a building or structure, or a nonconforming building or structure and land in combination, is discontinued or abandoned for at least 12 consecutive months, the building or structure or the building or structure and land in combination, shall not thereafter be used except in compliance with the provisions of the zoning district in which the building or structure or building or structure and land in combination are located.

**E. Other Requirements.**

- 1. Where lawfully nonconforming use status applies to a building or structure and land in combination, the removal or destruction of the building or structure shall eliminate the lawful nonconforming status of the land.
- 2. The nonconforming use of a building or a structure may not be changed to another nonconforming use, either in whole or in part.
- 3. The provisions of this section shall apply to buildings, structures and uses which become nonconforming as a result of any amendments or other changes in any of the district provisions or the other provisions of this Ordinance.

**SECTION 3.25 DEMOLITION PERMITS.**

No buildings shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in such amount according to a schedule as determined by the Township Board. Such bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator from time to time prescribes, including filling excavations and proper termination of utility connections.

**SECTION 3.26 PRIVATE STREETS.** (Amended January 2002; December 12, 2006; February 13, 2018; March 12, 2019)

- A. **Purpose.** The Township has determined that as parcels of land are divided, sold, transferred and developed, all new lots should be served by public streets, wherever possible. The Township acknowledges that there may be instances in which a public street system cannot be constructed, because of the shape of the property, its location or natural features, or where the construction of a public street according to public street standards would result in a negative impact upon significant natural features that, in the judgment of the Planning Commission, outweighs the benefits of construction of a public street. The Township also recognizes there are pre-existing private streets in the Township which, of necessity, will continue to be used. The Township has determined it is in the public interest to regulate the design, construction, improvement, maintenance,



extension, relocation and use of new and existing private streets, so as to ensure the following:

1. Private streets are designed with width, surface and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles.
2. Private streets are constructed of suitable materials so as to ensure proper maintenance and safe and convenient passage of vehicles.
3. Private streets shall be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and other significant natural features of the Township.
4. A private street shall only be permitted when it will not adversely affect the public health, safety and welfare of the Township or the Township's development policies regarding private and public streets.

**B. Driveways.**

1. **Building Permits.** No building permit shall be issued until approval for a driveway has been granted by the Zoning Administrator under this Ordinance, and the Kent County Road Commission has issued a permit as to the driveway entrance onto any public street. The Zoning Administrator shall require an application for a driveway together with applicable driveway maintenance agreements and such information as is necessary or helpful for review of the application. The information and procedures required for private streets under Sections 3.26.E and G may be used as a guide by the Zoning Administrator.
2. **Driveway and Easement Widths.** Driveways shall have a minimum easement width of 30 feet and a minimum cleared width of 20 feet. Driveways shall have a minimum travel surface width of 12 feet at any point. Driveways serving more than one lot or principal building shall have a minimum easement width of 66 feet, a minimum travel surface width of 20 feet and a minimum cleared width of 28 feet.
3. **Overhead Clearance.** Overhead branches shall be kept trimmed to a height of at least 14 feet or such other height as may be specified by the Township fire chief.
4. **Driveway Surface.** The driveway shall have an improved gravel or paved surface that will provide usable access for emergency vehicles in all weather conditions.
5. **Driveway Foundation.** The driveway shall be constructed on a base of stable soil and a subbase consisting of at least four inches of sand and, on the top of the sand, at least six inches of compacted road gravel.

6. **Crowning.** The surface of the driveway shall be crowned or sloped to facilitate drainage and shall be constructed over adequate culverts where necessary. Adequate measures shall be provided to maintain the surface water flow of any natural stream or drainage course, to the satisfaction of the Township Zoning Administrator, Township engineer and any other agency having jurisdiction thereof. Any culvert, bridge or other structure used for the crossing of a natural stream, drainage course or similar feature shall have a sufficient load capacity to safely support emergency vehicles.
7. **Maximum Slope.** The slope of a driveway shall not exceed 15 percent unless a steeper driveway is specifically approved by the Planning Commission.
8. **Driveway Maintenance Agreement.** A driveway providing access to more than one lot or principal building shall be the subject of a driveway maintenance agreement, in recordable form, which shall be signed by all owners of or parties in interest in the lots to be served by the driveway. The agreement shall normally be provided as part of the building permit application process, but in any event, a certificate of occupancy shall not be granted before the required driveway maintenance agreement has been provided. The maintenance agreement shall be recorded with the County Register of Deeds and a copy thereof promptly submitted to the Township after recording. The agreement shall include the easement or other rights necessary for the establishment and use of the driveway, or alternatively such easement or other rights shall be established by other legal instruments. The maintenance agreement shall provide for and assure that the driveway shall be regularly maintained, repaired and snowplowed so as to assure that it shall be safe for travel at all times. The agreement shall also provide for the payment of expenses of such maintenance, repair and snowplowing by the parties in interest. This requirement for a maintenance agreement may be modified in cases where the legal rights of third parties prevent full compliance.
9. **Driveways Serving Back Lots.** For purposes of this Section 3.26.B, a “back lot” is a lot which does not have frontage on a street and to which access is provided or proposed by an easement connecting the lot to a street. In accordance with Section 3.03, a back lot may not legally be created after November 28, 2002. A “front lot,” for purposes of this section, shall be a property that is crossed by a driveway easement to provide access to a back lot. A front lot may not be burdened by more than one driveway providing access to back lots.

Notwithstanding the definition of lot width contained in Section 2.13 of this Ordinance, access to a back lot may be granted by means of a driveway if the driveway and back lot comply with the requirements of this Section 3.26.B, including the requirements of Section 3.26.B.10.

10. **Turnaround and Frontage Requirements for Driveways Serving Back Lots.** A driveway serving a back lot must include a cul-de-sac with a radius of not less than 40 feet, or other sufficient means for emergency vehicle turnaround, which

shall be approved by the Township Zoning Administrator. A back lot served by a driveway complying with this Ordinance shall not be required to have frontage on a street, but must have the minimum lot frontage on the cul-de-sac or vehicle turnaround area. A driveway serving the back lot may also serve one contiguous front lot without being considered a private road if the additional front lot has continuous frontage on a street equal to or greater than the minimum lot width distance required in the applicable zoning district.

11. **Limit on Further Division.** If a driveway easement to a back lot is created, the land subject to the driveway easement and the land served thereby shall not be further divided if the division will cause either lot to be out of compliance with any requirement of this Zoning Ordinance, including setback, lot width, lot area and other requirements of the Zoning Ordinance, nor may the easement itself cause the front or back lot to be out of compliance.

12. **Private Street Length.** A back lot easement that intersects with a private street to provide access to a public street is to be considered part of the private street for purposes of calculating the length of the private street under this Ordinance.

C. **Special Land Use Approval Required for Private Streets.** Special land use approval is required for a new private street. Special land use approval shall be processed and reviewed according to Chapter 16 and the standards contained therein, as well as the design and construction standards of this Section 3.26. Special land use approval shall be granted only if one or both of the following conditions are demonstrated by the applicant, to the satisfaction of the Planning Commission:

1. **Road Commission Refusal.** The Road Commission has refused or would refuse to accept responsibility for any public road system that could be constructed to serve the property in question. In making this determination, the Planning Commission is not bound to accept the street and lot layout proposed by the applicant, and the Township may require that the applicant submit alternate street layout plans to the Road Commission for the purpose of determining whether any layout would be approved. Additional costs involved with constructing public streets, a reduction in the number of lots which could be served by public street system, or a preference for private streets do not justify approval of a special land use. In making its determination under this subsection, Township officials or agents may seek verification directly from the Road Commission.

2. **Preservation of Natural Features.** Use of public street standards would have a negative impact upon significant natural features, rural atmosphere, topography, soils, safety or other public benefit that could be avoided by use of private streets. Such natural features or other benefit must be clearly identified and described in the submitted private street site plan and application for the special land use. A special land use will not be granted unless the use of the private street standards will create a benefit by preservation of natural resources, rural atmosphere,

enhanced safety or other public benefit that outweighs the benefit obtained by the use of a public street.

**D. Existing Private Streets.**

1. **Continuation of Current Private Streets.** A private street lawfully existing as of December 1, 2006, may continue in existence and be maintained and used, though it may not comply with the provisions of this Section 3.26. Such private street shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions.
2. **Addition of Lots Along Length of Private Streets Lawfully Existing on December 1, 2006.**
  - a. One or more additional lots or parcels may be permitted access to an existing private street if, for each such lot to be added, there exists frontage on the existing street equal to or greater than the minimum lot width required for that zoning district. In such a case, the lots may be added, but the entire length of the existing private street shall be constructed and maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions.
  - b. If, for each additional lot or parcel to be created, there does not exist frontage on the existing street equal to or greater than the minimum lot width for that zoning district, the additional lot or parcel shall not be permitted access unless the existing private street is upgraded along the direct route of travel from the driveway of the new lot or lots to the public street. The upgraded portion of the private street shall comply with the applicable requirements of Section 3.26.F.
  - c. Review and approval of the addition of lots along the length of an existing private street under Section 3.26.D.2 shall be carried out by the Township Zoning Administrator, or in the Zoning Administrator's discretion, such review and approval may be carried out by the Planning Commission. The Zoning Administrator, or Planning Commission, if applicable, may waive those private street application requirements that are not necessary to determine compliance with this section, or otherwise are not needed with respect to review of the matter.
3. **Extension of Private Streets.**
  - a. If a private street existing on December 1, 2006, is extended by the construction and use of an additional length of private street equaling or exceeding 400 feet, or if the street as extended will exceed 1,320 feet in length, then the private street, including the existing portion and the

additional portion, shall comply with the applicable requirements of Section 3.26.F. If the private street, as extended, shall exceed 1,320 feet in length, including any “back lot” easements as provided in Section 3.26.B, then the private street shall have more than one point of access to the public street system.

- b. If the extension is less than 400 feet, and as extended will be less than 1,320 feet, then the extension shall be constructed in the same manner as the existing portion of the private street, provided that the entire private street shall be maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions.
- c. A maintenance agreement complying with this section shall be provided at least for the lands to be served by the extension.

**E. Application for Private Street.**

- 1. **Special Land Use Permit Required for Private Street.** A private street shall not be constructed unless a special land use permit has been granted pursuant to the terms of Chapter 16 and unless a private street permit has been issued by the Township.
- 2. **Application Information.** Any person or party in interest desiring to construct a private street shall first apply to the Township for special land use approval and for a private street permit. An application for special land use approval and private street permit shall contain the following:
  - a. A completed private street permit application, on the application form provided by the Township.
  - b. A detailed written description of the development to be served by the private street, including a designation of the person, association or other entity, which shall be responsible for the operation, maintenance, repair and improvement of the private street.
  - c. Seven copies of a site plan, drawn to scale, prepared by a registered engineer or land surveyor, showing the precise location, grade, route, elevation, dimensions and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private street is to intersect.
  - d. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street.
  - e. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity and television cable to be located within the private street right-of-way or within ten feet of either side thereof.

Copies of the instruments describing and granting such easements shall be submitted with the application.

- f. The location of any lakes, streams, wetlands and drains within the proposed right-of-way or within 100 feet thereof.
- g. The location of any other buildings and structures located, or to be located, within 100 feet of the private street right-of-way.
- h. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Planning Commission with a recordable private street maintenance agreement or restrictive covenant between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Planning Commission which shall provide for and assure that the private street shall be regularly maintained, repaired and snowplowed so as to assure that the private street is safe for travel at all times, and also to assure that the costs of maintenance, repair, snowplowing and improvement shall be paid.
- i. Permit and escrow fees in such amounts as may be periodically established by resolution of the Township Board.
- j. Such other information as may be required by the terms of this Ordinance or may otherwise be necessary or helpful for the review of the proposed private street, as required by the Planning Commission.

3. **Planning Commission Findings.** Prior to approving a private street permit application, the Planning Commission shall determine the following:

- a. The proposed private street will not be detrimental to the public health, safety or general welfare.
- b. The proposed private street will not adversely affect the use of land.
- c. That the private street is constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions.
- d. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and natural environment of the Township.
- e. The construction of the private street will conform to the requirements of this section.

4. **Conditions.** The Planning Commission may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.

5. **Performance Guarantees and Time Deadlines.** The Planning Commission may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of Section 3.26.G.11. Construction of a private street is to be commenced within one year of issuance of the permit and the developer is to proceed diligently to completion of the street. If the performance guarantee is in the form of a bond, letter of credit or any other instrument, rather than cash, the instrument shall provide that it shall automatically renew and not expire until one year after written Township certification of completion of the project or until the performance guarantee is entirely withdrawn by the Township, whichever occurs first. If construction is not commenced within such period and pursued to completion, the permit shall expire, and the applicant shall reapply as provided in this section if the applicant later decides to proceed. The period within which construction must be commenced is subject to extension by the Planning Commission for good cause shown and, as a condition of extension, the Planning Commission may increase the amount of performance guarantee required.
6. **Building Permits.** The Building Inspector shall not issue building permits for construction of any building or structure on lots served by a private street until construction of the private street as approved by the Planning Commission has been completed and the owner shall have submitted to the Zoning Administrator a letter of approval from the Township engineer indicating that the road has been completed in accordance with the approved plan and the requirements of this section, unless a performance guarantee assuring the completion of the private street has been submitted in accordance with the requirements of Section 3.26.G.11.

F. **Private Street Design and Construction Requirements.** A private street shall comply with all of the following requirements:

1. **Survey.** There shall be a survey, submitted to the Planning Commission, covering the easement or right-of-way, prepared by a registered land surveyor or professional engineer, together with surveys of each parcel of land to be served by the private street.
2. **Legal Documents.** Accurate copies of all easements, agreements or other instruments whereby the private street, and all rights necessary thereto are conveyed or established, shall be submitted to the Planning Commission.
3. **Easements.** A private street shall have a recorded permanent right-of-way and easement, with a minimum width of 66 feet. The instrument establishing the easement and right-of-way shall expressly permit public or private utilities to be installed within the right-of-way or within ten feet on either side thereof.
4. **Street Width.** A private street shall be constructed approximately in the center of the private street easement. The area within which the private street is to be located shall have a minimum cleared width of 28 feet, and such cleared area shall

always be maintained. Overhead tree branches shall be trimmed and maintained to a height of no less than 14 feet above the ground over the roadbed of the private street.

5. **Street Foundation.** A private street shall have a roadbed not less than 24 feet wide and a minimum subbase of 12 inches of sand and six inches of finished, compacted gravel (No. 22A). The street shall be paved with bituminous blacktop paving of a depth of at least two and three-quarters inches. Such subbase and paving shall comply in other respects with the requirements of the County Road Commission for local platted streets.
6. **PUD Streets.** A private street in a planned unit development shall comply with this subsection, except that the width of the easement and traveled portion of the street may be modified by the Planning Commission and Township Board in their approval of the planned unit development.
7. **Industrial and Commercial.** Private streets serving commercial or industrial uses shall be designed and constructed in accordance with County Road Commission requirements for public commercial or industrial streets, but in its discretion the Planning Commission may permit modification of such public street requirements if deemed justified in the circumstances and if safe and adequate access would nevertheless be provided.
8. **Vehicle Turnaround.** A private street which terminates at a dead end shall have a means for vehicle turnaround, either by use of a cul-de-sac or by a continuous loop private road system, both of which must be constructed in accordance with the private street design and construction requirements of this section. In the case of a residential cul-de-sac, there shall be a minimum radius easement of 60 feet, with at least a 40-foot radius roadbed; in the case of a commercial or industrial cul-de-sac, there shall be a minimum radius easement of 75 feet, with at least a 50-foot radius roadbed.
9. **Dwellings Permitted with Single Access.** A private street or interconnected private street system shall not serve more than 50 residential lots, or dwelling units, nor shall it exceed 1,320 feet from a public street, unless a secondary means of ingress and egress is provided for the entire property served. Such secondary access shall meet the minimum standards of this section.
10. **Crowned Street.** The private street surface shall have a minimum crown of 2/10ths of one foot, from the centerline of the street to the outside edge thereof.
11. **Street Shoulder.** A street shoulder, composed of at least six inches of compacted gravel, shall be provided on each side of the private street surface, with a minimum width of two feet for each shoulder, and with a slope of 22/100ths foot from the outside edge of the road surface downward to the toe of the slope.



12. **Street Grade.** The maximum longitudinal street grade shall not exceed 6 percent, provided, however, that the Township may allow up to a 10 percent grade if the applicant submits written justification thereof, satisfactory to the Planning Commission, to the effect that an increase in the street grade will not adversely affect public safety and the overall design of the street system; but provided further, that there shall be a maximum grade of 4 percent for a minimum distance of 30 feet back from the intersection of the private street with a public street right-of-way or another private street.
13. **Storm water.** A private street shall be constructed so as to sufficiently control storm water runoff, such as by means of seepage basins, culverts and drainage contours and/or by such other effective methods as may be required by the Township so as to ensure adequate drainage and control of storm water runoff.
14. **Wetland Crossings.** The method and construction technique to be used in the crossing of any natural stream, wetland or drainage course, by a private street, shall satisfy the requirements of the Township engineer and/or any governmental agency having jurisdiction. The method or construction technique used shall have a sufficient load capacity to safely support emergency vehicles.
15. **Signs.** A private street shall be given a name subject to the approval of the Kent County Road Commission, and street signs shall be installed in accordance with the relevant standards of the Road Commission. Stop signs shall be installed at all intersections with a public street or another private street. The addresses of dwellings or other buildings on a private street shall be posted in a conspicuous place where it is visible from the private street.
16. **Addresses.** All lots or other parcels of land on a private street shall use the private street address for property address and mailing purposes, when the lot or parcel of land is occupied.

**G. Procedures for Approval of a Private Street.**

1. **Special Land Use Procedure.** An application for a private street shall be granted only as a special land use, subject to the approval of the Planning Commission. The Commission shall consider approval of a private street at a public meeting according to the procedures and requirements of Chapter 16, including a duly-noticed public hearing.
2. **Initial Review.** After an application for a private street has been received, the Township Zoning Administrator shall initially review the application and determine whether the application and other materials submitted are in compliance with this section. The Zoning Administrator may submit the application to the Township fire chief for review and comment.
3. **Findings.** In approving an application for a private street special land use, the Planning Commission shall make findings that the requirements of this

Section 3.26, Chapter 16 and other applicable provisions of this Ordinance have been satisfied.

4. **Conditions.** In approving an application for a private street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction and use of the private street, consistent with the terms of this section and other applicable provisions of this Ordinance.
5. **Street Permit.** Following review and approval of a proposed private street by the Planning Commission, the Township Zoning Administrator shall issue a permit for the construction of the private street, consistent with this section and any terms and conditions included in the Planning Commission's approval.
6. **Certificate of Compliance.**
  - a. The Township engineer, or the engineer's designee, shall inspect the completed construction to determine whether it complies with the approved plans and specifications for the street, the approval given therefor by the Planning Commission, and the terms of this section and other applicable provisions of this Ordinance.
  - b. The applicant shall provide the Township with a set of "as-built" drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this section and other provisions of this Ordinance and with the terms of approval given by the Planning Commission.
  - c. After receiving the as-built drawings and the certification by the registered engineer, the Township engineer shall issue to the applicant a certificate of compliance if based upon the engineer's inspection of the construction, review of drawings and other evaluation, the private street complies with this section, other applicable provisions of this Ordinance and the approval by the Planning Commission.
  - d. If the completed private street does not satisfy the requirements of this section, other applicable provisions of this Ordinance or the approval given by the Planning Commission, the applicant shall be notified in writing of such noncompliance.
7. **Building Permits.**
  - a. No building permits or other permits shall be issued for any dwelling, or other principal building, principal structure or principal use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this section and other applicable

provisions of this Ordinance, and until a certificate of compliance have been issued, except as stated in subparagraph b of this paragraph 7.

- b. If a private street has not yet been completed and approved in accordance with this section and other applicable provisions of this Ordinance, but if the applicant has submitted to the Township a performance bond, with acceptable surety, or a letter of credit, in an amount satisfactory to the Township, conditioned upon the timely and full completion of the private street in accordance with this section, then a building permit may nevertheless be issued for a dwelling or for other principal building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless (i) the Building Inspector has verified that there are compelling reasons why the road, including finish/top coat, should not be completed on or before the issuance of the building permit, (ii) the applicant has committed in writing to a specific date by which the road shall be completed in its entirety, (iii) the Zoning Administrator has verified that the performance guarantee shall automatically renew and continue until one year after written Township certification that the street construction is completed or the Township has withdrawn the entire funds of the performance guarantee, whichever occurs first, and (iv) the Building Inspector has determined that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of a private street shall be pursued diligently to completion; but in no event shall completion be at a date later than nine (9) months after the initial building permit is issued. Further, no occupancy permit shall be issued under Section 3.26.G.8 of this ordinance until the road is fully completed, including Township approved application of the asphalt top coat or finish coat.

8. **Occupancy Permit.** An occupancy permit for a dwelling or other principal building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed with sufficient width, surface and grade so as to assure the safe passage and maneuverability of fire, police, ambulance and other emergency service vehicles.
9. **Planned Unit Developments.** If the private street is proposed as part of a planned unit development, the provisions of this section may be modified by the Planning Commission and Township Board, in the approval of the planned unit development, upon their determination that the requirements of the Planned Unit Development chapter and the requirements of this section would nevertheless be sufficiently accommodated.
10. **Indemnification.** The applicant for a private street and the owners of the affected lands agree that by applying for and obtaining approval of the private street, and a permit to construct the same, they shall indemnify the Township and shall hold it

harmless from any and all claims for personal injury or property damage arising out of or in any way relating to the use of the private street or of the failure to properly construct, maintain, repair and replace the private street, in whole or in part. The indemnification required herein shall be included in the maintenance agreement required by this section.

11. **Performance Guarantee.** As a condition of approval of a private street and the issuance of a construction permit therefor, the Township may require that the applicant provide a performance bond, with an acceptable surety, or a letter of credit, in a specified amount, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission and Township engineer. Performance guarantees shall be subject to the conditions for total completion of the street as contained in this Section 3.26, including Section 3.26.G and the provisions of Section 18.05.
  
12. **Application Fee; Escrow Account.**
  - a. The application fee established by resolution of the Township Board shall be paid at the time of application for private street approval.
  
  - b. In addition to the payment of the application fee, the applicant shall deposit sufficient funds in an escrow account with the Township, so as to cover reimbursement to the Township of its costs and expenses for the review and consideration of the private street application, including costs for services rendered by the Township engineer and other Township consultants, together with reimbursement for other Township expenses in the matter. Any amounts paid into the escrow account that are in excess of Township expenses shall be refunded to the applicant. Other aspects of the payment of funds into an escrow account, for such purposes, shall be subject to the applicable Township Board resolution pertaining to escrow funds generally.
  
13. **Inspections.** The Zoning Administrator or Township engineer may conduct periodic inspections during the construction of the private street to assure construction as proceeding in accordance with the requirements and conditions of the private street permit and special land use. Those inspections may include inspections of the subgrade, the base course and asphalt layers of a private street and may include appropriate density tests or other tests as may be deemed necessary by the Township official.

#### H. **Maintenance and Repairs of Private Streets; Private Street Maintenance Agreements.**

1. **Maintenance.** All driveways and private streets shall be continuously maintained in such a way that they will comply with all provisions of this Ordinance and will not constitute a danger to the health, safety and welfare of the inhabitants of the

Township. All driveways and private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions.

2. **Cost of Maintenance.** All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.

3. **Private Street Maintenance Agreement.** The applicant for approval of a private street, together with any other owners or parties in interest, shall submit to the Township a recordable private street maintenance agreement, signed by all owners of the easement or right-of-way for the private street and by all other parties having any interest therein. Such agreement shall provide for and assure that the private street shall be regularly maintained, repaired and snowplowed so as to assure that the street shall be safe for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.

a. By filing an application for private street approval, the applicant(s) agree that they will assure that any buildings or parcels of land thereafter constructed or established along or at the end of the private street shall also be subject to the private street maintenance agreement, including any corner parcels that have public street frontage, unless the same shall be exempted by the Planning Commission.

b. The agreement shall run with the land and shall be recorded with the Kent County Register of Deeds. The certificate of compliance specified in this section shall not be issued until the agreement has been recorded.

c. The agreement shall be in a form and shall have such content as is satisfactory to the Township. A copy of the agreement shall be submitted to the Township prior to recording.

d. The private street maintenance agreement shall be so prepared as to legally constitute a restrictive covenant, binding upon all current and future owners and other parties in interest as to the lands occupied by the private street and any right-of-way or easement therefor, and also as to all lots and other parcels of land served or to be served by the private street.

4. **Cleanup.** Upon completion of construction of a private street, the applicant shall properly dispose of all removed trees and shrubs, along with construction debris and any other rubbish or debris.

I. **Modification of Standards.** The standards and requirements of this Section 3.26 may be modified by the reviewing authority, whether the Planning Commission or Zoning Administrator, so as to permit a private street or driveway on a basis other than the

standards and requirements contained in this section, but only after the reviewing authority has made a determination that the following facts exist:

1. The modification will equally satisfy the purposes of the private street requirements, as expressed in Section 3.26.A.
2. The modification shall be compatible with adjacent, existing and future land uses and shall not be injurious to the use and enjoyment of nearby property.
3. The modification will result in the preservation of existing vegetation or other natural features on site.
4. The modification is necessary due to topography, natural features or other unusual aspects of the site.
5. The modification will improve or not impede emergency vehicle and personnel access.
6. The modification will not result in traffic or other safety hazards; shall not result in visual blight, distraction or clutter, and shall not otherwise result in the detriment to the public health, safety and general welfare.

**SECTION 3.27 PRIVATE DRIVES.** (Repealed January, 2002)

**SECTION 3.28 MAXIMUM WIDTH TO DEPTH RATIO.**

- A. In a residential district, a building shall not be constructed or occupied on a lot or parcel if the depth of the lot or parcel exceeds four times its width, but this sentence shall not apply to residentially zoned lots or parcels that have more than one-half of their street frontage on a cul-de-sac. On all residentially zoned lots or parcels that have more than one-half of their street frontage on a cul-de-sac, a building shall not be constructed or occupied if the depth of such lot or parcel exceeds four times its width, unless such nonconforming lot or parcel was created and of record prior to the effective date of this section. For purposes of this section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the street connected to the cul-de-sac.
- B. In the case of an unimproved corner lot or corner parcel, the depth of a lot or parcel shall be measured along a horizontal measurement line located midway between the side lot lines and connected to the front lot line and rear lot line, such that the horizontal measurement line is along that dimension of the lot comprising the greatest distance. In the case of such a corner lot, the width of the lot shall be measured along a comparable horizontal measurement line along that dimension of the lot comprising the least distance.
- C. The Planning Commission may permit the creation of a lot or parcel to be used for the construction of a building, which does not comply with this section. An instrument giving notice of such approval granted under this section shall be recorded in the office of

the Register of Deeds. In determining whether to grant such approval, the Planning Commission must find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of such lot will not conflict with other Township ordinances and regulations, unless appropriate variance or waiver is received from such other ordinances or regulations.

**SECTION 3.29 SITE CONDOMINIUMS.** (Repealed Nov. 2002)

Reserved for future use.

**SECTION 3.30 WIRELESS COMMUNICATION FACILITIES.** (Amended March 1999; November 2001, November 2007)

**A. Purpose and Intent.**

1. It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner, which will retain the integrity of neighborhoods and the character, property values and, aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.
2. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:
  - a. Facilitate adequate and efficient provision of sites for wireless communication facilities.
  - b. Recognize that in some special circumstances location of a wireless communication system may be desired in residentially zoned areas where it has been determined that it is likely that there will be a greater adverse impact upon neighborhoods and areas within the Township. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
  - c. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
  - d. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
  - e. Promote the public health, safety and welfare.

- f. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- g. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- h. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public right-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary taking into consideration the purposes and intent of this section.
- i. Minimize the total number of communications towers within the Township.
- j. Encourage the co-location of wireless communication facilities, including antennas on or within new and existing communication tower sites, as opposed to the construction of additional communications towers.
- k. Encourage developers of communications towers and antennas to install and configure such towers and antennas so as to minimize their adverse visual impact.
- l. The Township Board finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economical component is an important part of the public health, safety and welfare.

**B. Permitted Uses.** Subject to the standards and conditions set forth in this section, wireless communication facilities shall be permitted uses in all zoning districts under the following circumstances:

- 1. An existing structure will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the



discretion of the administrative official, proposed to be either materially altered or materially changed in appearance.

2. An existing structure will serve as an attached wireless communication facility within a residential zoning district and the accessory building associated with the wireless communication facility is either not visible from any residence or can be screened to that extent and where the existing structure is not, in the discretion of the administrative official, proposed to be either materially altered or materially changed in appearance.
3. Proposed co-location upon an attached wireless communication facility which had been pre-approved for such co-location as part of an earlier approval by the Township.
4. The existing structure which will service as an attached wireless communication facility is a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the administrative official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

C. **Special Land Uses.** If it is demonstrated by an applicant to the satisfaction of the Planning Commission and as agreed to by the Township Board that a wireless communication facility may not reasonably be established as a permitted use under this section and is required in order to operate a wireless communication service, then, a wireless communication facility may be authorized under the procedures and as provided in Chapter 16, as a special land use, considering the standards and conditions set forth in Chapter 16 and also subject to the following:

1. At the time of the submittal, the applicant shall demonstrate that location under the conditions required for a permitted use cannot meet the need required for operation of a system.
2. Wireless communication facilities employing a “stealth” design so as to minimize or disguise the visual impact of the facility shall be encouraged, where such a design is feasible and provides effective coverage on an efficient basis. Steeples, flagpoles, bell towers, or other designs that are compatible with the existing character of the proposed site, neighborhood and general area are examples of stealth designs.
3. In single family residential neighborhoods, locations shall be considered first on the following sites, not stated in any order of priority, subject to application of all other standards contained in this section:
  - a. Municipally owned site.
  - b. Other governmentally owned site.

- c. Religious or other institutional site.
- d. Public park and other large permanent open space areas when compatible.
- e. Public or private school site.
- f. Other locations if none of the above is available.

D. **Standards and Conditions Applicable to All Facilities.** All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed with a special land use approval:

1. Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to place wireless communication facilities on existing structures.
2. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
3. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity strobe lighting shall not be permitted, unless required by federal or state law.
4. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
5. The setback for a new or materially modified support structure shall be at least equal to 110 percent of the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed right-of-way or other publicly traveled roads shall be no less than the height of the structure. A lesser setback may be permitted by the Planning Commission, particularly in cases where the support structure is currently located at a lesser setback and the modification will not significantly increase the height of the structure or where the adjacent lands and the subject lands are non-residential districts and are compatible with the support structure.
6. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or

over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the parking facilities, proximity to residential districts and minimizing disturbance to the natural landscape, and, the type of equipment which will need to access the site. The access shall be constructed and maintained with standards no less than those which are required for a driveway, assuring safe and efficient passage for emergency vehicles in all weather conditions.

7. The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size of such attachments, and shall be designed and constructed to maximize aesthetic quality.
8. The provisions of this section shall apply to all existing and new wireless communications facilities. Changes in or modifications of an existing or new wireless communication facility shall occur only if authorized under the terms of the special land use granted by the Township, or other Township approval, but in the absence thereof, the owner or applicant shall apply for an amendment in the special land use so as to permit any such proposed change or modification, and such amendment may be considered by the Planning Commission in the same manner and with the same public notice and public hearing as would be the case for an original special land use.
9. Tower structures, and also other structures used for the placement and use of wireless communications facilities shall be designed to accommodate multiple users. At a minimum, unless otherwise authorized by the Planning Commission as a part of a special land use approval, a communications tower shall be designed to accommodate four users and also locations for local government antennas. Generally, towers of a height exceeding 200 feet, thereby requiring lighting, shall not be permitted unless required by state or federal law. If the Planning Commission is requested to waive or modify any of the requirements of this subparagraph, the Planning Commission may do so, giving consideration to the following factors:
  - a. The foreseeable number of FCC licenses available for the area.
  - b. The type of wireless telecommunications facilities site and structure being proposed.
  - c. The number of existing and potential licenses without wireless telecommunications facilities spaces and/or sites.
  - d. Available space on existing and approved tower structures.

10. Communications towers and associated accessory structures shall be enclosed by security fencing at least six feet in height, provided, however, that the Planning Commission may waive or modify such fencing requirement, and waive or modify the height requirement thereof, in the event that the Planning Commission concludes that adequate security would otherwise be provided or that such fencing is not necessary, or that fencing of a lesser height would be adequate in the circumstances.
11. Landscaping for communications towers and tower sites shall be provided as stated in this subsection, though the Planning Commission may waive or modify such requirements if the goals of the Zoning Ordinance would nevertheless be served thereby:
  - a. Communications towers and other wireless communication facilities shall be landscaped with a buffer of plant materials that assists in screening the view of the tower compound from adjacent residential lands. The buffer of plant materials shall consist, at a minimum, of a landscaped strip at least four feet wide located along or outside of the perimeter of the tower site. The Planning Commission may impose other conditions concerning landscaping.
  - b. In locations where the visual impact of the communications tower would be minimal, the above-stated landscaping requirements may be reduced or waived.
12. Existing mature tree growth and natural features on the site of wireless communication facilities shall be preserved to the maximum extent possible. Existing vegetation and/or topography may be determined by the Planning Commission to serve as sufficient buffer for the purpose of reasonably screening the view of the tower site.
13. All communications towers and other wireless communication facilities shall comply with or exceed current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration and other agency of the federal or state government having jurisdiction over communications towers and antennas and the regulation thereof. In the event of amendments in applicable state or federal regulations, then the owner of communications towers and antennas shall bring the same into compliance with such amended regulations, if required by the state or federal agency having jurisdiction.
14. Towers and antennas shall comply with the following requirements:
  - a. Towers shall have either a galvanized steel finish or, subject to applicable federal regulations, be a neutral color.

- b. At a tower site, the buildings, equipment shelters and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will assist in blending such buildings and structures into the natural setting and appearance of surrounding buildings and structures, if any.
  - c. If an antenna is installed on a structure other than a tower, the antenna and any supporting electrical and mechanical equipment shall be of a neutral color, or a color that is closely compatible with the color of the supporting structure, so as to cause the antenna and related equipment to be as visually unobtrusive as possible.
  - d. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize an electrical power source which generates noise which may easily be heard at adjoining property lines; provided, however, that this provision shall not be construed as limiting the use of temporary generators or similar devices used to provide power during periods of interruption of the primary power source.
15. Towers shall not be artificially lighted, if the tower is of such height that lighting is not required by the state or federal agency having jurisdiction.
  16. Antennas and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring with all state and Township building and electrical codes.
  17. Wireless communications facilities shall be so located that they do not interfere with television and radio reception by adjacent or nearby residential areas.
  18. There shall be no signs permitted on an antenna or communications tower, or building or other facility associated therewith, except for applicable visual safety signage, and except that there may be one sign, not larger than one foot by two feet, located at the base of a tower or on the exterior of a building, equipment shelter or fence, indicating the name of the owner or operator of the facility and a telephone number which may be used in the case of emergency.

E. **Standards and Conditions Applicable to Special Land Use Facilities.** Applications for wireless communication facilities which may be approved as special land uses under Chapter 16, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in this section, and any special land use approval conditions, and in accordance with the following standards:

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
  - a. Proximity to an interstate or major thoroughfare.

- b. Areas of population concentration.
  - c. Concentration of commercial, industrial, and/or other business centers.
  - d. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - e. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - f. Other specifically identified reason(s) creating facility need.
2. The proposal shall be reviewed in conformity with the co-location requirements of this section.

**F. Application Requirements.**

1. A site plan prepared in accordance with Chapter 14 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment.
2. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
4. The application shall include a description of security to be posted with the Township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of:
  - a. Cash
  - b. Surety bond
  - c. Letter of credit or
  - d. An agreement in a form approved by the Township attorney and recordable at an office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely

manner as required under this section of the ordinance, with the further provision, that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.

5. The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
7. The application fee and escrow deposits, in the amounts specified by Township Board.
8. The owner or duly authorized representative of all ownership interests in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in this section.
9. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For co-location facilities serviced by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
10. The design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

11. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soil report shall include soil bores and statements confirming the suitability of soil conditions for the proposed use.
12. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
13. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
14. The applicant shall furnish written certification that the wireless communication facility, including the foundation thereof and attachments thereto, are designed and will be constructed in full compliance with all Township, state and federal structural requirements for loads, including wind and ice loads, as required by currently adopted building codes and other applicable codes.
15. The applicant shall demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers can accommodate the applicant's proposed antenna. The applicant shall submit any information requested by the Planning Commission concerning the availability of suitable existing towers, other alternative towers or alternative technology. Among other matters, evidence submitted by the applicant for the purpose of demonstrating that no existing tower, alternate tower structure or alternative technology can accommodate the proposed antenna shall establish the following:
  - a. No existing towers or alternative tower structures are located within the geographic area which complies with the applicant's engineering requirements, as demonstrated by propagation studies.
  - b. Existing towers or alternative tower structures are not of sufficient height so as to meet the applicant's engineering requirements, as demonstrated by propagation studies.
  - c. Existing towers or alternative tower structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, as shown by a structural analysis prepared by a professional engineer or engineering firm.
  - d. The applicant's proposed antenna would cause electro-magnetic interference with antennas on existing towers or alternative tower structures, or existing antennas would cause interference with the applicant's proposed antenna.



- e. Other limiting factors exist that render existing towers and potential alternative tower structures unsuitable, as shown by studies submitted to the Township and prepared by a person of professional competence with regard to wireless communications systems.
  - f. Alternative technology that does not require the use of towers or alternative tower structures is unsuitable or unavailable.
16. The applicant shall provide the Township with its system build-out plan for the next five years, so as to enable the Township to gain accurate information as to what future towers, and the location thereof, the applicant may desire within the Township or in close proximity thereto. (At the request of the applicant, the Township may hold such information confidential, or return it promptly to the applicant, after reviewing the same.)

**G. Co-location.**

1. **Statement of Policy.** It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in this section. Each licensed provider of a wireless communication facility, must, by law, be permitted to located sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in this section. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be completed, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
2. **Feasibility of Co-location.** Co-location shall be deemed to be “feasible” for purposes of this section where all of the following are met:
- a. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.

- b. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- d. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the intent and purpose of this section and several standards contained herein.

**3. Requirements for Co-location.**

- a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
- c. The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, to that such

enforcement would have the effect of prohibiting the provision of personal wireless communication services.

4. Incentive review of an application for co-location, and review of an application for a permit for use of a facility permitted under this section, shall be expedited by the Township.
5. No modifications, revisions, alterations, additions or improvements may be made in an existing tower structure without the approval of the Township. The procedure for approval of modifications, additions or other alterations in an existing tower structure shall be the same as those procedures required for approval of a new tower structure.

#### **H. Removal.**

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
  - b. Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirements of the support structure, or with a support structure which is lower and/or more compatible with the area.
2. The situations in which removal of a facility is required may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township Board.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

**I. Effect and Approval.**

1. Subject to the provisions of Chapter 16 for approval of special land uses, final approval under this section shall be effective for a period of six months.

If construction of a wireless communication facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six-month period of effectiveness, the approval for the facility that has not been commenced shall be void 30 days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to co-locate on the facility that has been newly commenced.

**SECTION 3.31 KEEPING OF ANIMALS.** (Amended January 2002, November 2007)

- A. The keeping of domestic or farm animals shall be considered customary and incidental to permitted uses or special land uses, subject to the requirements of this section.
- B. No more than three adult (six months of age or older) cats, dogs or other similar household pets shall be kept at or housed in any one dwelling unit.
- C. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or other use of fowl or animals other than household pets of an occupant of the premises, is subject to all of the following provisions:
  1. Any building, structure or confined feeding area in which livestock are fed or confined (but not including feeding by grazing) shall be at least 50 feet from the nearest property line.
  2. On lots or parcels of one-half acre in area or less: the raising and keeping of fowl and/or rabbits and/or other small animals for household pets shall not exceed three per family.
  3. On lots or parcels larger than one-half acre in area, but less than two acres: the raising and keeping of fowl and/or rabbits and/or other small animals shall not exceed a total of 12 such animals in any combination.
  4. On lots or parcels having an area of greater than two acres, the uses permitted by paragraph 3, above shall be permitted; and also there shall be permitted one horse, or one cow, or one pig, or other large animal for each whole acre in addition to the first two acres.
  5. A minimum of five acres shall be required for any boarding stable or riding stable, unless a different acreage amount is required under Section 16.04.II. Animal hospitals or veterinary clinics need not provide more area than is required in the district in which such uses are permitted. Further, this section shall not apply to private stables used for the boarding and keeping of horses, if such

stables are not considered boarding stables or riding stables under the terms of this zoning ordinance. (Amended May 12, 2015)

- D. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such sufficient construction as to keep such animals from leaving the premises shall be provided and regularly maintained.

### **SECTION 3.32 ACCESS TO LAKES AND STREAMS.**

- A. **Definitions.** For purposes of this section:

1. “Access Property” means a property, parcel of land or lot abutting a lake, stream or other body of water, either natural or artificial, and used or intended to be used for the providing of access to a lake, stream or other body of water by pedestrian or vehicular traffic to and from off-shore, non-frontage land, regardless of whether access to such body of water is gained by easement; fee or undivided interest ownership of land by one or more owners; lease; license; condominium or site condominium rights or interests; gift; business or personal invitation; or any other form of conveyance, dedication, approval or consent, whether in writing or oral.
2. “Dwelling Unit” means a dwelling structure designed for use by one family or other occupancy, whether for seasonal, all-season, temporary or other use, and it shall include, but not be limited to single family dwellings, mobile homes, recreational units, hotels and motels, apartments, condominium units, cooperative units, attached residential unit or other residence unit, however located. Each separate dwelling unit within a multiple family dwelling structure shall be a separate dwelling unit for purposes of this section.

- B. No land shall be used or provided for use as access property from off-shore, non-water frontage lands to or for a lake, stream or other body of water, either natural or artificial, unless there shall be provided access property that has (1) a water frontage of at least 125 feet as measured along the water’s edge of the normal high water mark of the lake or stream for each dwelling unit using such access property; and (2) a minimum area of access property of at least 9,500 square feet for each dwelling unit using the access property, or any part thereof.

1. The minimum depth back from the ordinary high water mark, for an access property, shall be 100 feet.
2. Water frontage of an access property shall not include a swamp, wetland, marsh or bog. No swamp, wetland, marsh or bog shall be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of altering or increasing the length of water frontage required by this section, or for the purpose of otherwise attempting to comply with this section.
3. An access property shall not abut an artificially-made canal or channel.

4. No canal or channel shall be constructed, dredged or excavated for the purpose of altering or increasing the length of water frontage required by this section, or for the purpose of otherwise attempting compliance with this section.
  5. An access property, irrespective of its total area, shall not be used for residential, commercial or other purposes.
  6. The provisions of this subsection shall apply to any parcel of land, regardless of whether access to a lake, stream or other body of water shall be gained or provided by easement, fee or other ownership, lease, license, consent, invitation, condominium or site condominium or any other form of conveyance, dedication or consent.
- C. The provisions of this section shall not apply to existing actual access occurring from non-frontage lands, to lakes, streams and other bodies of water, where such existing access is lawfully occurring at the effective date of this section, from non-frontage lands that are platted or otherwise of record at the effective date of this section; provided, however, that this section shall nevertheless apply to any expansion or increase in existing actual access, including the following:
1. Any expansion of existing actual access occurring from non-frontage lands, to lakes, streams and other bodies of water, including, but not limited to, access from or for additional dwelling units and/or from or for additional parcels of land.
  2. Any increase in the scope, intensity or frequency of existing actual access from non-frontage lands, to lakes, streams and other bodies of water.

### **SECTION 3.33 CHANNELS AND CANALS.**

No channel, canal or similar waterway or device shall be dug, constructed, dredged, enlarged or created out of or that connects to any lake, river, stream or other body of water (collectively referred to in this section as “lake or river”) in the Township. The size or surface area of any lake or river shall not be increased by digging, dredging or excavation upland from the ordinary high water mark of the lake or river; provided, however, that this section shall not apply to the following:

- A. Any lawful dredging of existing lake or river bottomlands which are lakeward of the ordinary high water mark of the lake or river.
- B. Lawful dredging upland from the ordinary high water mark of a lake or river so as to create not more than two boat wells (that is, a mooring area for boats) so long as the water surface area dredged, excavated or otherwise created does not exceed 25 feet in width along the lake or river frontage and 20 feet of depth from the ordinary high water mark of the lake or river.
- C. The lawful creation or enlargement of a pond which does not abut or connect into an existing lake or river.

- D. The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements, so long as such channel or canal is not enlarged or expanded.

**SECTION 3.34 DILAPIDATED, ABANDONED OR VACANT DWELLINGS AND OTHER BUILDINGS.**

- A. For purposes of this section, the following terms shall be defined as follows:

1. Dilapidated building shall mean a dwelling or other building, which, because of fire, windstorm or other natural occurrence, or because of physical deterioration, is no longer reasonably, habitable (if a dwelling) nor reasonably suitable for any other purpose for which it may have been intended. In addition, dilapidated building shall also include, though not be limited to, the following:
  - a. A building or portion of a building that has been damaged or has physically deteriorated so that the structural strength or stability of the building is appreciably less than it was before such damage or deterioration and as a result the building does not comply with the requirements of the Township building code for a new or similar building or location.
  - b. A building or part of a building which, because of dilapidation, deterioration, decay, faulty construction or for other reasons is likely to partially or completely collapse, or where some portion of the foundation or underpinning of the building or other part of the building is likely to fall or give way.
  - c. A building or part of a building that because of damage or deterioration has or may become an attractive nuisance to children who may play in the building or part thereof, to their harm or danger.
  - d. A building used or intended to be used for dwelling purposes, including the adjoining grounds, which because of damage, deterioration, decay, faulty construction or otherwise, is unsafe, unsanitary or unfit for habitation, or is in a condition that is likely to cause sickness or disease or is likely to injure or compromise the safety of persons living in or who may live in the building.
  - e. A building that, by reason of damage or deterioration, is open at one or more doors or one or more windows, thereby leaving the interior of the building exposed to the elements or easily accessible to entry by trespassers.
2. An abandoned building shall mean a dwelling or other building that is unoccupied, without evidence of having been occupied, for at least six months, which is not receiving electrical service and otherwise appears to have been substantially neglected by the owner, by reason of apparent damage or

deterioration; provided, however, that an abandoned building shall not include a secondary dwelling as defined in Section 3.34.A.3, so long as the secondary dwelling is not dilapidated.

3. A vacant dwelling or other vacant building shall mean a dilapidated building that has remained unoccupied for a period of 120 consecutive days or longer; provided, however, that a vacant dwelling or other vacant building shall not include a building which has on its premises a sign indicating that it is for sale or lease and that it is listed with a real estate broker, so long as the dwelling or other vacant building is not dilapidated; nor shall a vacant dwelling or other vacant building include a secondary dwelling that is not dilapidated. As used in this section, a secondary dwelling means a dwelling, hunting cabin, summer home or other place of residence that is occupied by the owner or a member of the owner's family during only a portion of a year and which is regularly unoccupied for a period of 120 consecutive days or longer annually.
- B. No person shall have, own, maintain, keep, occupy or have responsibility for any dwelling or other building that is dilapidated, abandoned or vacant.
- C. No person shall use a dwelling or other building designed or intended for use as a dwelling, for the storage of materials, goods, commodities or other objects, rather than for habitation, if such dwelling has not been used for habitation for at least 90 days.
- D. No person shall have, keep, maintain or permit to remain on the grounds, yards or other premises of a dwelling or other building any parts, components, pieces, elements or materials of a building that has become dilapidated, including but not limited to wood shingles, glass, concrete, brick, tar paper, building insulation, other building materials, scrap or debris.

### **SECTION 3.35 WIND ENERGY CONVERSION SYSTEMS.**

A Wind Energy Conversion System (WECS), including all necessary substations, accessory buildings and operation and maintenance offices, shall comply with all of the terms and conditions of this section.

- A. **Definitions.** For the purposes of this section, the following terms and phrases shall be defined as provided below:
  1. **Wind Energy Conversion System (WECS).** A wind turbine generator or other device or devices designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility, or that is used to provide electricity on the site or property on which the WECS is located. A WECS shall also include a MET tower, which is a tower containing instrumentation such as anemometers that is used to assess wind resources.



2. **Horizontal Axis Wind Turbine (HAWT).** A WECS designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.
3. **Rotor.** An element of a wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
4. **Nacelle.** The structure designed to “yaw” (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.
5. **Tower.** The structure, above grade, that supports the nacelle, rotor assembly, and other components.
6. **Tower Foundation.** The tower support structure, below grade, that supports the weight of the WECS tower.
7. **Blade Clearance.** In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor’s swept arc.
8. **Tower Height.** The height from grade to the highest vertical point of the swept rotor arc. In the case of a WECS with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
9. **Sub-station.** An electrical construction designed to collect and modify electrical energy produced by the WECS for the purpose of supplying it to the local electrical utility.

**B. Application.** Applications for a WECS shall include the following:

1. A site plan, which, in addition to the site plan requirements of Chapter 14, shall include the following:
  - a. The proposed location, size, height and type of all WECS, including MET towers, and the setback distance between the proposed towers and the nearest residential units and residentially-zoned properties.
  - b. The location of all existing structures and buildings within 300 feet of the parcel subject to the special land use request.
  - c. The proposed location of all access roads, underground and overhead cabling and utilities.
  - d. The physical size and electrical nameplate capacity of the proposed WECS, including the total height and the swept rotor diameter.

- e. Proposed screening, buffering and tower lighting, if required.
  - f. A visual representation of the WECS including scale elevations or photographs.
2. A copy of the applicant's proof of ownership or control of the land, including any lease with the landowner(s) for the WECS. Any such lease must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of WECS operations.
  3. The manufacturer's specifications indicating:
    - a. The rated nameplate output, in kilowatts or megawatts, of the wind turbines included in the WECS.
    - b. Safety features and sound characteristics.
    - c. Type of material used in foundation, tower, blade, and rotor construction.
  4. A noise impact study which includes information on the noise levels to be generated by the use, measured in dB(A) at the property line, the tower site or such other location as directed by the Planning Commission.
  5. Proof that the applicant has obtained or applied for approval from all county, state or federal agencies having jurisdiction over the proposed use, or any aspect thereof.
  6. An environmental impact study, shadow flicker study and/or avian and wildlife impact study may be required by the Planning Commission. The applicant shall take appropriate measures to mitigate or eliminate adverse effects identified in such studies, including assurance that shadow flicker shall not have a significant adverse effect upon any adjacent property or any occupied building or residence.
  7. A decommissioning plan which includes the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method for ensuring that funds will be available for decommissioning and restoration and the anticipated manner in which the project will be decommissioned and the site restored.

C. **Requirements.** A WECS, including MET towers, shall comply with the following requirements:

1. **Review and Approval Procedures.** A WECS that is 100 feet in height or greater must receive special land use approval from the Planning Commission in compliance with Chapter 16 of this ordinance. A WECS that does not exceed 100 feet in height shall obtain site plan review pursuant to Chapter 14, but shall not

require special land use approval if it complies with the requirements of this Section 3.35.C and with the following requirements:

- a. The diameter of the rotor does not exceed 30 feet.
  - b. The wind turbine generator is to provide energy only to the property where the tower is located, not to any other lands.
  - c. An individual tower complying with this subsection may, on an intermittent basis, supply excess power to the grid; provided, however, the individual tower shall not in any calendar year supply a net surplus of power to the grid.
  - d. If the WECS is installed on a building or structure, the diameter of the rotor shall not be greater than 20 feet and the WECS height shall not exceed 50 feet from grade. The WECS must be safely and permanently secured to the building or structure.
2. **Setbacks.** WECS towers shall comply with the minimum required building setbacks for the district in which the WECS tower is located or a setback equal to one and one-half times the height of the highest WECS, whichever is greater. Notwithstanding the foregoing, a MET tower shall be set back no closer than a distance equal to the height of the MET tower.

For the purposes of determining whether a proposed WECS or MET tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the WECS may be located on smaller leased parcels within such lot or parcel.

3. **Setback Modifications.** Setbacks may be reduced or increased from the minimum setback requirements of this section, in the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a modification of setbacks, the feasibility of alternate locations, the proximity of existing dwellings, and the potential for adverse impacts that noise, shadows and other features may have on adjacent uses.
4. **Noise.** A WECS regulated under the terms of this section shall be designed, located and operated so as to cause no serious adverse effect on other lands or other land uses by reason of noise. A WECS shall not exceed 55dB(A) at the property line closest to the WECS. Exceptions for neighboring property may be permitted if the written consent of the property owners is provided. The sound pressure level may be exceeded during short-term events such as utility outages or severe wind storms.

Constant velocity turbines shall be required; provided, however, that if variable speed turbines are proposed, the applicant shall submit additional data concerning

noise generated when the revolutions per minute of such turbines exceed 24 rpm's, and the Planning Commission may decline to approve any such variable speed turbines.

5. **Lighting.** WECS towers shall not be illuminated by artificial means and shall not display strobe lights unless required by the Federal Aviation Administration or other state or federal authority having jurisdiction. The minimum FAA lighting standards shall not be exceeded and all lighting shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Towers that are lighted shall be avoided unless no feasible alternative is available.
6. **Shadow Flicker.** Any WECS shall be designed, located and installed so that shadow flicker does not have a significant adverse effect upon adjacent property, upon any occupied building or residence and shall be designed, located and operated so as to cause no serious effect on other lands or land uses by reason of the impact of its shadow.
7. **Rural View, Towers in Front Yard.** Towers shall only be placed, to the extent possible, at locations that do not dominate the view from existing streets or detract from the rural view. Locations on hilltops or in front yards are to be avoided. A tower shall not be located in any front yard unless it is set back at least 200 feet from the front lot line.
8. **Tower Height.** Any WECS, including the foundation, the tower, the rotor and all other components shall have a total height not exceeding 199 feet, as measured from the ground at the base of the tower to the tip of the blade of the rotor, when the blade is in a vertical position; provided, however, the Planning Commission may modify the total height to permit a lighted tower that exceeds 199 feet upon a showing that the tower will be harmonious with adjacent, neighboring land uses and will not have a substantial adverse effect on such adjacent or nearby lands or land uses.
9. **Compliance with Law.** All WECS and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations, including the Michigan Tall Structures Act and all airport zoning requirements.
10. **FAA Standards.** All structures shall comply with applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction.
11. **Building Codes and Maintenance.** All structures constructed shall comply with the standards contained in applicable state and local building codes and shall be regularly maintained in good, safe working order. The applicant shall maintain a maintenance log that the Township can review upon request.

12. **Tower Foundation.** All towers shall be permanently secured to a stable foundation.
13. **Tower Grounding.** All towers shall be grounded to protect against damage from lightning.
14. **Tower Appearance.** All wind turbines and towers shall be finished in a single, non-reflective matte finished color which minimizes the visual impact of the wind farm.
15. **Blade Clearance.** The minimum vertical blade tip clearance from grade shall be 20 feet for a wind turbine employing a horizontal axis rotor (HAWT).
16. **Tower Construction.** A freestanding tubular monopole tower shall be required for any tower that is more than 50 feet in height. An anti-climbing device or design shall be used on all towers, regardless of their height.
17. **Tower Graphics.** No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
18. **Power Lines.** All power lines from a WECS and connecting to a sub-station or grid, shall be underground, unless otherwise permitted by the Planning Commission.
19. **Safety.** All electrical and mechanical components of the system shall be securely locked. Spent lubricants and cooling fluids shall be promptly and safely removed from the premises. Signage on the access roads shall warn visitors of the danger of falling ice.
20. **Electromagnetic Interference.** No WECS shall be installed in any location where its proximity with existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected parties that will restore reception to the level present before operation of the WECS. No WECS shall be installed in any location within the line of site of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link operation unless the interference is insignificant.

D. **Discretionary Conditions.** The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any WECS regulated by the terms of this section. Such other terms and conditions may include, though are not limited to, the following:

1. The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof. Fencing may be required by the Planning Commission to secure the site and tower.
2. The prohibition on the construction or occupancy of dwellings on the lands where the WECS is located, within the separation distances specified by this section.
3. The preservation of existing trees and other existing vegetation not required to be removed for installation of the WECS.
4. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS tower or accessory buildings or structures.
5. The providing of a performance bond or letter of credit, in favor of the Township, and conditioned upon the timely and faithful performance of all required conditions of the special land use or site plan approval, including but not limited to the timely and complete removal of a WECS, or any individual tower, wind turbine generator, or other device or equipment regulated under the terms of the section, upon the failure of the same to be removed when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS, until the cessation of operations and the removal of the same.

**E. Removal.**

1. A WECS or other individual device, structure or equipment regulated under the terms of this section shall be removed not later than when the device or equipment is no longer operating or when it has been abandoned.
2. For purposes of this section, a WECS shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months. Operation of the WECS for less than 168 hours shall not be considered production for purposes of this subsection.
3. The failure to timely remove a WECS or any device, structure or equipment regulated by the terms of this section shall be a violation of this Ordinance.
4. In the event that the owner or operator of a WECS fails to remove the same after the ceasing of operations or after abandonment thereof, the Township may proceed with all appropriate enforcement and remedial action, including but not limited to the obtaining of funds pursuant to the applicable performance bond or letter of credit, and the use of such funds to accomplish the removal of all non-operating or abandoned towers, wind turbine generators, accessory structures and other devices and equipment regulated hereunder.

- F. **Inspections.** Upon the provision of reasonable prior notice to the site operator, the Township zoning administrator and/or his or her designated representative may inspect any property for which special land use or site plan approval has been granted pursuant to this section to determine whether the site complies with the applicable requirements of law and the terms of the special land use approval.
- G. **Prohibited Structures.** The following structures are prohibited as a part of any WECS regulated under the terms of this section:
  1. Vertical axis wind turbines, commonly known as a VAWT or Darrieus wind turbine.
  2. Wind turbines (HAWT's) with a rotor design consisting of a number of airfoil rotor blades other than three.
  3. Wind turbines utilizing a lattice tower structure, unless the WECS does not exceed 50 feet in height.

**SECTION 3.36 MARIHUANA ESTABLISHMENTS PROHIBITED.** (Amended March 12, 2019)

- A. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance.
- B. Any and all types of “marijuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are completely prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.
- C. This Section 3.36 does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

## **CHAPTER 4 MAPPED DISTRICTS**

### **SECTION 4.01      ZONING DISTRICTS.**

In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Solon Township master plan, the Township is divided into zoning districts of such number, boundaries, shape, and area that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. For the purposes of this Ordinance, Solon Township is hereby divided into the following zoning districts:

- AR    Agricultural Residential District
- R-1   Residential District
- R-2   Residential District
- R-3   Waterfront Residential District (not a mapped district)
- MHC  Manufactured Housing Community District
- NC    Neighborhood Commercial District
- HC    Highway Commercial District
- IC    Interchange/Freeway Mixed Use Commercial District (Added February 9, 2016)
- IND   Industrial District
- PUD   Planned Unit Development

### **SECTION 4.02      THE ZONING MAP.**

The locations and boundaries of these descriptions are hereby established on a map entitled “Solon Township Zoning Map” which is hereby adopted and declared to be a part of this Ordinance.

- A.    Regardless of the existence of copies of the zoning map which may be made or published, the official zoning map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status in the Township. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the official zoning map.
- B.    The official zoning map shall be identified by the signature of the Zoning Administrator, attested to by the Township Clerk.
- C.    The official zoning map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current zoning district status of all land and buildings in Solon Township which are subject to the provisions of this Ordinance.

### **SECTION 4.03      DISTRICTS.**

Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules shall apply:



- A. Where the boundaries are indicated as approximately following the street, alleys, or highways, the centerlines of said streets, alleys, or highways, or such lines extended shall be construed to be such boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- E. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distances therefrom as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official zoning map.
- F. Boundaries following the shoreline of stream, lake, or other body of water shall be construed to follow such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Administrator.

**SECTION 4.04 ZONING OF VACATED AREAS.**

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to lands to the adjoining lands.

**SECTION 4.05 ZONING OF FILLED LAND.**

Whenever any fill is placed in any lake or stream, after all required permits are obtained, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

**SECTION 4.06        ZONING DISTRICT CHANGES.**

When district boundaries hereafter become changed, any use made nonconforming by such change may be continued, subject to the provisions of this Ordinance.

**CHAPTER 5**  
**AR – AGRICULTURAL RESIDENTIAL DISTRICT**

**(Amended March 2006; August 2006; Ord. No. 08-2Z; May 2015; Ord No. 18-5-Z)**

**SECTION 5.01 DESCRIPTION AND PURPOSE.**

This district is intended primarily for farm and rural single family dwelling uses. Other uses generally associated with agriculture may also be permitted. The purpose of this district is to preserve the rural, farming character of the lands within this district, minimizing public service costs, limiting urban influence, and preserving a maximum of open space. Certain compatible, nonresidential uses may also be permitted within the district.

**SECTION 5.02 PERMITTED USES.**

Land and/or buildings in the AR District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations. This use may include roadside stands with less than 200 square feet of sales area.
- B. Single family dwellings.
- C. State-licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. (Amended August 3, 2006)
- D. Group day care homes for not more than six minor children.
- E. Home occupations in accordance with the requirements of Section 3.22.
- F. Public parks, playgrounds and cemeteries.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses or special land uses.
- H. Single family housing developments meeting the qualifying conditions of Section 13A.02 are permitted in accordance with the requirements of Chapter 13A.
- I. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35. (Added August 2008)

**SECTION 5.03 SPECIAL LAND USES.**

Land and/or buildings in the AR District may be used for the following purposes following review by the Planning Commission as a special land use as regulated by Chapter 16:

- A. Country clubs, golf courses, and private non-commercial athletic grounds and parks, and other similar uses, including related uses, such as snack bars or small retail shops selling goods directly related to the primary use. (Amended May 2015)
- B. Roadside stands with more than 200 square feet of sales area; farm markets.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Kennels. (Amended May 2015)
- G. Radio and television transmitting buildings and towers.
- H. Bed and breakfast establishments.
- I. Schools, churches, libraries and community center buildings.
- J. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- K. Funeral home and mortuary establishments upon the following terms and conditions:
  - 1. The minimum provisions of Section 16.04.H shall be complied with.
  - 2. The minimum side yard setback shall be 60 feet, but if approved by the Planning Commission as a condition of the special land use, the minimum side yard setback may be 45 feet.
- L. Private non-Commercial airfields.
- M. Intensive livestock operations complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- N. A child care center, group day care home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions. (Amended August 3, 2006)

- O. Wind Energy Conversion Systems which comply with Section 3.35. (Added August 2008)
- P. Boarding stables and riding stables (including riding academies). (Added May 2015)
- Q. Agritourism event business. (Added April 10, 2018)

**SECTION 5.04 DISTRICT REGULATIONS.**

No main building or main structure, nor the enlargement of any main building or main structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement. (Amended December 12, 2000)

Front Yard	50 feet
Side Yard	Residential man buildings – 20 feet total/10 feet minimum
Rear Yard	50 feet
Building Height	35 feet of 2 1/2 stories
Lot Coverage	25 percent
Minimum Lot Area	1 acre
Minimum Lot Width	200 feet
Minimum Dwelling Unit Floor Area	864 square feet GFA/620 square feet GFA on ground floor

**CHAPTER 6  
R-1 RESIDENTIAL DISTRICT**

**(Amended August 2006 and by Ord. No. 08-2Z)**

**SECTION 6.01 DESCRIPTION AND PURPOSE.**

This district is primarily intended for residential uses and for single family dwellings on waterfront lots. It is also intended for certain areas within the Township which were developed in past years with smaller lots and frontages, and for areas having access to public sanitary sewers. Certain related nonresidential uses are also provided.

**SECTION 6.02 PERMITTED USES.**

Land and/or buildings in the R-1 District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Single family dwellings.
- B. State-licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. (Amended August 3, 2006)
- C. Family day care homes.
- D. Home occupations in accordance with the requirements of Section 3.22.
- E. Public parks, playgrounds, and cemeteries.
- F. Single family site condominium projects.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses, or special land uses.
- H. Single family housing developments meeting the qualifying conditions of Section 13A.02 are permitted in accordance with the requirements of Chapter 13A.
- I. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35. (Added August 2008)

**SECTION 6.03 SPECIAL LAND USES.**

Land and/or buildings in the R-1 District may be used for the following purposes following review by the Planning Commission as a special land use as regulated by Chapter 16:

- A. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

- B. A child care center, group day care home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions. (Amended August 3, 2006)
- C. Nursing homes, homes for the aged, those state-licensed residential facilities with an approved capacity to serve more than 12 persons and those facilities licensed for the care and treatment of persons released from or assigned to adult correctional facilities. (Amended August 3, 2006)
- D. Roadside stands.
- E. Bed and breakfast establishments.
- F. Schools, churches, libraries, and community center buildings.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Wind Energy Conversion Systems which comply with Section 3.35. (Added August 2008)

**SECTION 6.04 DISTRICT REGULATIONS.**

No main building or main structure, nor the enlargement of any main building or main structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement. (Amended December 12, 2000)

Front Yard	Single family dwellings with lake frontage – 50 feet, measured from the shoreline to the building line of the main building
	Single family dwellings without lake frontage – 50 feet
Side Yard	Single family dwellings – 20 feet total/10 feet minimum
	Non-residential main buildings – 60 feet
Rear Yard	Lots with lake frontage – 20 feet measured from the public of private road right-of-way
	Lots without lake frontage – 35 feet
Building Height	35 feet or 2 1/2 stories
Lot Coverage	30 percent
Minimum Lot Area	Single family dwellings with lake frontage – 15,000 square feet
	Single family dwellings without lake frontage – 1 acre
	Non-residential uses – 2 acres
Minimum Lot Width	Single family dwellings with lake frontage – 100 feet
	Single family dwellings without lake frontage – 150 feet
Minimum Dwelling Unit Floor Area	864 square feet GFA/620 square feet GFA on ground floor

**CHAPTER 7  
R-2 RESIDENTIAL DISTRICT**

**(Amended August 2006 and by Ord. No. 08-2Z)**

**SECTION 7.01 DESCRIPTION AND PURPOSE.**

This district is intended for residential uses, and related nonresidential uses. The overall purpose of this district is to provide additional housing opportunities by providing a variety of housing options, including single and two family dwellings, and low density multiple family dwellings.

**SECTION 7.02 PERMITTED USES.**

Land and/or buildings in the R-2 District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Single family dwellings.
- B. Two family dwellings.
- C. State-licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. (Amended August 3, 2006)
- D. Family day care homes.
- E. Home occupations in accordance with the requirements of Section 3.22.
- F. Public parks, playgrounds, and cemeteries.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses, or special land uses.
- H. Single family and two family housing developments meeting the qualifying conditions of Section 13A.02 are permitted in accordance with the requirements of Chapter 13A.
- I. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35. (Added August 2008)

**SECTION 7.03 SPECIAL LAND USES.**

Land and/or buildings in the R-2 District may be used for the following purposes following review by the Planning Commission as a special land use as regulated by Chapter 16:

- A. Multiple family dwellings.



- B. Roadside stands.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. Public or private campgrounds.
- E. Schools, churches, libraries, and community center buildings.
- F. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- G. A child care center, group day care home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions. (Amended August 3, 2006)
- H. Nursing homes, homes for the aged, those state-licensed residential facilities with an approved capacity to serve more than 12 persons and those facilities licensed for the care and treatment of persons released from or assigned to adult correctional facilities. (Amended August 3, 2006)
- I. Wind Energy Conversion Systems which comply with Section 3.35. (Added August 2008)

**SECTION 7.04 DISTRICT REGULATIONS.**

No main building or main structure, nor the enlargement of any main building or main structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement. (Amended December 12, 2000)

Front Yard	50 feet
Side Yard	Two Family Dwellings - 20 feet total/10 feet minimum
	Multiple Family Dwellings - 30 feet
	Non-residential Main Buildings - 60 feet
Rear Yard	35 feet
Building Height	35 feet or 2½ stories
Lot Coverage	30 percent
Minimum Lot Area	Single and Two Family Dwellings - 1 acre
	Multiple Family Dwelling - 2 acres for first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed four units per acre

Minimum Lot Width	Single Family Dwellings - 150 feet
	Two Family Dwellings - 200 feet
	Multiple Family Dwellings - 200 feet
Minimum Floor Area	Single Family Dwellings - 864 square feet GFA/620 square feet GFA on ground floor
	Two Family Dwellings - 720 square feet UFA per unit/700 feet per unit on the ground floor
	Multiple Family Dwellings - 720 square feet UFA per unit

**CHAPTER 8  
R-3 WATERFRONT RESIDENTIAL DISTRICT**

**(Amended by Ord. No. 08-2Z)**

**SECTION 8.01 DESCRIPTION AND PURPOSE.**

- A. The waterfront district is a supplementary district which applies to designated lands, as described in this chapter, simultaneously with one of the other zoning districts established in this Ordinance, hereinafter referred to as the “underlying” zoning district. Lands included in the waterfront district are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of Solon Township.
- B. It is the intent of the waterfront district to provide regulations in addition to those contained in the underlying zoning district pertaining to lands located along the waterfront and shoreline areas of the Township. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties and to ensure that the structures and uses in this district are compatible with and protect these unique attributes.

**SECTION 8.02 PERMITTED USES.**

Land and/or buildings in the WD District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Permitted uses in the underlying district in which the property is located.
- B. Private boat docks, accessory to residential uses, subject to the following provisions:
  - 1. Two private boat docks per dwelling shall be permitted for each single family and two family dwelling unit. Docks may not extend further than 20 feet from and perpendicular to the shoreline.
  - 2. No more than one boat slip per dwelling unit shall be permitted for multiple family dwellings.
  - 3. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to the requirements of Section 8.03.
- C. Private boat docks, accessory to nonresidential uses, subject to the following provisions:
  - 1. One boat dock shall be permitted for each lot or parcel. Docks may not extend further than 20 from and perpendicular to the shoreline.

2. In addition to the allowances of Section 8.02.C.1, an additional boat dock shall be permitted for each full 50 feet of lot width along the lake or other body of water.
  3. Boat docks and boat slips shall be used only by patrons of the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, unless approved as a marina, subject to the requirements of Section 8.03.
- D. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35. (Added August 2008)

**SECTION 8.03 SPECIAL LAND USE.**

Land and/or buildings in the WD Waterfront District may be used for the following purposes following approval by the Planning Commission as a special land use as regulated by Chapter 16:

- A. Special land uses in the underlying district in which the lot(s) or parcel(s) is located.
- B. Public or private boat launches.
- C. Marinas.
- D. Wind Energy Conversion Systems which comply with Section 3.35. (Added August 2008)

**SECTION 8.04 DISTRICT REGULATIONS.**

- A. These regulations apply to all parcels or lots having frontage on a waterway and as may be indicated on the zoning map.
- B. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the requirements of the underlying districts are met and maintained in connection with such building, structure, or enlargement, except as noted below:
  1. No main building shall be placed closer than 30 feet from the break of the bank, or not closer than 30 feet from the shoreline if no break of the bank exists.
  2. Accessory buildings may be permitted, subject to the requirements of Section 3.7 and the underlying district.
  3. Vegetative strip.
    - a. A strip 25 feet bordering each bank of the waterways of this district, as measured from the break in the bank or the ordinary high water mark, whichever is furthest inland, shall be maintained in its natural vegetative state, except for the clearing of dead or obnoxious plants.

- b. Within this strip a space of no greater than 50 feet in width may be selectively trimmed and pruned to allow for the placement of private boat docks (subject to the requirements of Section 8.02) and/or for a view of the waterway, with the approval of the Zoning Administrator.
  - c. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure, provided that the land cleared is returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.
4. Developments within the waterfront district shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways.

**CHAPTER 9  
NC – NEIGHBORHOOD COMMERCIAL DISTRICT**

**(Amended August 2006, March 13, 2007, by Ord. No. 08-2Z;  
Amended June 13, 2017, by Ord. No. 17-2-Z;  
Amended October 4, 2017, by Ord. No. 17-3-Z; and  
Amended January 9, 2018, by Ord. No. 18-2-Z)**

**SECTION 9.01 DESCRIPTION AND PURPOSE.**

The NC - Neighborhood Commercial District is intended to provide convenient shopping and service opportunities for local neighborhood and Township residents and to a lesser extent, to provide for the needs of the traveling public. In general, the neighborhood commercial business district areas will be limited in size and number of locations. Land uses in this district should be compatible with residential and agricultural district uses and should preserve and be compatible, in appearance and use, with the rural character of the agricultural residential district areas of the Township. Land uses in this district should be limited in their intensity and in their impact on adjoining streets and properties. Uses that generate higher traffic volumes or that must attract regional customers will generally not be appropriate in this zoning district.

**SECTION 9.02 PERMITTED USES.**

Land, buildings and structures in the NC District may be used for the following purposes only, unless otherwise provided in this Ordinance:

- A. Retail sales establishments oriented toward neighborhood markets including:
1. Convenience stores and miscellaneous retail shops for items such as used merchandise, sporting goods, books, stationary, jewelry, art, hobbies, crafts, toys, and games, cameras and photographic supplies, gifts, novelties and souvenirs, luggage and leather goods, sewing, needlework, catalog and mail-order, tobacco products and accessories, and news dealers.
  2. Food and grocery stores such as butcher shops and fish markets, fruit and vegetable markets, dairy products, stores, candy, nut, and confectionery stores and retail bakeries.
  3. Apparel and accessory stores.
  4. Flower shops with or without green houses.
  5. Drug stores with or without drive through.
  6. Hardware, paint, glass, and wallpaper stores.
- B. Business services including:
1. Advertising agencies, adjustment and collection services, credit reporting services, direct mail services, photocopying and duplicating services, commercial

art and graphic design, secretarial and court reporting, disinfecting and pest control services, building maintenance services, employment agencies, computer programming services, data processing, messenger/telegraph-service stations and parcel-delivery stations.

C. Personal services including:

1. Beauty and barber shops, travel agencies, fitness centers, tanning and manicure salons, tailor, and dress making shops, shoe-repair shops.
2. Funeral parlor or mortuary without residential living quarters.
3. Laundry/dry cleaning, including pickup and drop-off, but excluding establishments that perform cleaning operations on the premises.
4. Dance, art, music, and similar professional studios.
5. Animal hospitals, veterinary clinics including boarding; provided that all animal runs shall be totally enclosed unless authorized as a special use.

D. Cafes, delicatessens, food catering establishments.

E. Automobile related service establishments, including the following, provided such establishments are properly screened and buffered if they adjoin residentially zoned property, provided such establishments provide adequate vehicle circulation if servicing automobiles and provided such establishments operate entirely within enclosed areas, unless limited operations are permitted by the Planning Commission after the site plan review establishes that such limited outdoor operations will not be harmful or a nuisance to neighboring properties, as a result of noise, odors, smoke or other matters:

1. Automobile service stations for the sale of gasoline or accessories and the performance of incidental services such as tire changing, greasing, mechanical repairs, and car washing, provided all work is conducted wholly within a completely enclosed building.
2. Enclosed car washes (automatic or manual).
3. Vehicle repair shops or body shops for the servicing, repair, maintenance or painting of motor vehicles or parts thereof or accessories thereto, in compliance with the following: (Added June 13, 2017)
  - a. Inoperable vehicles left on the site shall, within 48 hours, be stored within an enclosed building, or in an area screened by a solid fence not less than six (6) feet in height. Such fence shall be maintained in good condition.
  - b. Storage of motor vehicle components and parts, trash, supplies or equipment outside of building is prohibited.

- c. The vehicle repair shop or body shop shall not emit or create noise, smoke, odors, dust, dirt, gases, glare, heat or vibration beyond the boundary of the premises.
  - d. Storage for all controlled toxic or hazardous materials including gasoline or petroleum, chemicals and the disposal thereof shall be done in compliance with all applicable laws, rules and regulations, and all necessary certificates or licenses shall be obtained prior to any such storage or use.
  - e. The vehicle repair shop or body shop shall not include an outdoor gasoline pump.
4. Neighborhood vehicle sales for the sale of motor vehicles, including passenger cars, light trucks and vans, in compliance with the following: (Added October 4, 2017)
- a. Notwithstanding the prohibition on outdoor storage earlier in this section and subject to the provisions of this part 4, up to but not more than 50 motor vehicles may be displayed or stored outside of an enclosed building if such motor vehicles are actively being offered or prepared for sale.
  - b. Larger vehicles such as commercial trucks, box trucks, travel trailers, tractor-trailers and recreational vehicles shall not be stored or offered for sale as part of this Neighborhood Vehicle Sales use. A motor vehicle that does not fit in a 10-foot by 20-foot parking space, for parking and reasonable access, shall be deemed a larger vehicle for purposes of this section.
  - c. The outdoor area where vehicles are displayed or stored shall be paved. The outdoor storage area and other parking areas shall be designed with open drive aisles so that all vehicles are readily accessible. The outdoor storage area shall not exceed one (1) acre in size, and shall not comprise more than 50% of the parcel area.
  - d. The neighborhood vehicle sales establishment shall not include, or operate on the same parcel as, a vehicle repair shop or body shop for the servicing, repair, maintenance or painting of motor vehicles or parts thereof or accessories thereto.
  - e. Vehicles shall not be stored upon or obstruct the public right-of-way.
  - f. A neighborhood vehicle sales establishment shall only be located on a primary state or county street, and shall have a minimum front yard setback of 75 feet.
  - g. Banners, streamers, balloon, feather, inflatable, flutter or other temporary or non-anchored signs or pennants shall not be permitted.



- h. One parking space for customer parking shall be provided for every 10 vehicles displayed or stored, plus one customer space for every 200 feet of indoor usable floor area.”
- F. Office and institutional uses, where the total area of the principal buildings, accessory buildings and structures does not exceed 10,000 square feet, including:
  - 1. Banks and other financial institutions with or without drive-through.
  - 2. Professional offices of doctors, dentists, lawyers, accountants, realtors, architects, engineers, business or financial consultants or other professionals, and corporate, executive, administrative, or sales offices including incidental sales of medical or dental aids.
  - 3. Offices and similar uses for municipal, state, federal, or other governmental agencies.
  - 4. Laboratories: dental and medical.
  - 5. Churches and other places of religious assembly.
- G. Other uses: Any principal use designated to primarily serve residents of the surrounding neighborhood and judged by the Planning Commission to be similar in character to those enumerated.
- H. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35. (Added August 2008)

**SECTION 9.03 SPECIAL LAND USES.**

Land, buildings and structures in the NC Neighborhood Commercial District may be permitted for the following special land uses if approved by the Planning Commission as provided under the procedures contained in Chapter 16 and subject to all general and specific standards applicable to such use.

- A. Funeral parlor or mortuary with residential living quarters.
- B. Self-service storage facilities. A portion of the site may be used for outdoor storage of materials, equipment, boats and recreational vehicles, if these areas are well screened from the view of nearby properties and roadways.
- C. Saw mills and related and subordinate uses that are necessary to the operation of a saw mill; and also including wood mill work; assembly of wood pallets, and assembly of wood containers; but all of such work shall take place entirely within a completely enclosed building.
- D. Office and institutional uses, where the total area of the principal buildings, accessory buildings and structures is equal to or exceeds 10,000 square feet.

- E. Public libraries and museums.
- F. Country clubs, golf courses.
- G. Utility buildings and public service buildings, without storage yards.
- H. Colleges and universities.
- I. Parks, athletic grounds and athletic facilities provided that all buildings shall be located at least 50 feet from any property line.
- J. Child day care centers, adult day care centers, nursing homes and state licensed residential facilities.
- K. Feed stores, subject to the conditions of Section 16.04.GG. (Added June 14, 2011)
- L. Wind Energy Conversion Systems which comply with Section 3.35. (Added August 2008)
- M. Restaurants, subject to the conditions of Section 16.04.DD. (Added April 2009)
- N. Medical marijuana business. (Repealed January 9, 2018)
- O. Heating and cooling businesses where building and structures do not exceed 10,000 square feet in total area, along with related and subordinate uses that are necessary to the operation of such a business, including sheet metal fabrication, but all such uses shall take place entirely within a completely enclosed building. (Added September 2012)

#### **SECTION 9.04 DISTRICT REGULATIONS.**

No principal building or structure, or enlargement of a principal building or structure, shall be permitted unless such building or structure and the use of the land satisfies the following regulations:

- A. **Site Plan Review.** All uses in this district shall be subject to site plan review, in accordance with Chapter 14.
- B. **Enclosed Buildings.** Unless specifically authorized by the Planning Commission as a special land use, all business, service or processing shall be conducted wholly within a completely enclosed building. This regulation does not apply to automobile parking, off-street loading and drive-through banking.
- C. **Parking, Loading and Signs.** Off-street parking and loading and signs shall be provided only in accordance with Chapter 15 of this Ordinance.
- D. **Landscaping.** Landscaping shall be provided only as permitted by this Ordinance. The front yard, except for necessary entrance drives, shall be landscaped.

- E. **Outdoor Storage.** The outdoor storage of goods or materials shall be prohibited in the front yard. Goods or materials stored in a side or rear yard shall not be stored in the setback area and shall be screened from view from the street or from abutting properties.
- F. **Trash Receptacles.** All trash and refuse containers and storage areas shall be situated in the side or rear yard and shall be effectively screened by a six-foot privacy fence and plantings. Containers and refuse areas shall not be placed in the required minimum setback areas.
- G. **Traffic Circulation.** The Planning Commission may require internal and external traffic studies to ensure a safe and effective traffic flow. The site plan should include information regarding possible parking of equipment or trailers, as well as loading and truck routes, so as to provide the Planning Commission with information necessary to assure the safe and effective flow of traffic.
- H. **Storm Water.** A drainage plan shall be submitted. All development within this district shall comply with the Solon Township Storm Water Ordinance.
- I. **Flagpoles.** Not more than one flagpole per lot or parcel may be installed and such flagpoles shall not be more than 35 feet above the average grade even if installed upon a building. The flagpole shall be set back at least 20 feet from all lot lines. All flags and all ropes and other flagpole devices and accessories shall be fastened only to the flagpole; no part of any flag, rope or other flagpole device or accessory shall be fastened to the ground or a building or any place other than the flagpole itself.
- J. **Accessory Buildings and Structures.** Accessory buildings and structures shall be regulated in accordance with Section 3.07.

**SECTION 9.05 HEIGHT, AREA AND YARD REQUIREMENTS.**

- A. **Building and Structure Height.** No building or structure shall exceed a maximum of 35 feet in height, except as otherwise provided in this Ordinance.
- B. **Front Yard.** There shall be a front yard of not less than 50 feet, provided that where an existing or lesser setback line has been established by existing commercial buildings occupying 40 percent or more of the commercially zoned frontage within the same block along the same side of the street, the established lesser setback shall apply. Notwithstanding the foregoing, the minimum front yard setback for properties on 17 Mile Road shall be 75 feet.
- C. **Side Yard.** No side yard shall be required when the building directly abuts another business use and the adjacent building is constructed on the shared lot line or the adjacent property owner consents in writing to construction on the lot line. Otherwise, a side yard of not less than ten feet shall be required. For lots on a corner, each yard with frontage on the street shall comply with the front yard requirements.
- D. **Rear Yard.** The rear yard shall be no less than 35 feet.

- E. **Minimum Lot Area.** One acre.
- F. **Minimum Lot Width.** Two hundred feet.
- G. **Lot Coverage.** Unless approved as a special land use, no building in this district shall exceed 10,000 square feet. Further, the total area of all principal buildings, accessory buildings and structures shall not exceed 40 percent of the lot area.

**CHAPTER 10**  
**HC - HIGHWAY COMMERCIAL DISTRICT**

**(Amended November 8, 2005, August 2006, March 13, 2007;  
and by Ord. Nos. 08-01-Z and 08-2Z)**

**SECTION 10.01 DESCRIPTION AND PURPOSE.**

- A. The HC - Highway Commercial District is intended to provide general shopping areas, including retail business and service establishment opportunities which supply goods and products or perform services to provide for the needs of the local community, the surrounding area and the traveling public. Such uses may be those in the nature of highway commercial uses and regional commercial uses, as well as retail business and general business activities which are best located along major state highways or other traveled roads or are best located near the US-131 interchange.
- B. Among the specific purposes of the highway commercial district are:
1. Encourage efficient flow of traffic by minimizing conflicts from turning movements.
  2. Make land use and site plan review decisions with the transportation system to sustaining the capacity of the road by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from cross streets.
  3. Sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the Township.
  4. Ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
  5. Encourage the rural and small town character as expressed through the master plan by requiring buildings and parking to be set back from the roadway.
  6. Ensure landscaping of sites along the roadway so as to preserve the rural and small town character of the area and complement existing natural features within the Township.
  7. Accommodate large size businesses, including shopping centers, large retail stores and other land intensive uses that serve regional markets, are vehicle oriented or may depend on high visibility or proximity to automobile traffic available at the US-131 interchange.

**SECTION 10.02 PERMITTED USES.**

- A. Land uses permitted in the NC - Neighborhood Commercial District under Chapter 9.

- B. Retail sales establishments where the total area of the principal buildings, accessory buildings and structures does not exceed 15,000 square feet and where the business is conducted entirely within an enclosed building.
- C. Auction houses, indoor and outdoor, not involving livestock.
- D. Farm machinery and farm implement sales and repair.
- E. Feed store.
- F. Mobile home sales, travel trailer and camper sales.
- G. Automobile sales.
- H. Recreational equipment and recreational vehicles.
- I. Rental service, including motor vehicle and household goods.
- J. Self-service storage facilities. A portion of the site may be used for outdoor storage of materials, equipment, boats and recreational vehicles, if these areas are well screened from the view of nearby properties and roadways.
- K. Other similar retail, business or service establishments which supply goods or perform services for the residents of the general area or the traveling public.
- L. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35. (Added August 2008)

**SECTION 10.03 SPECIAL LAND USES.**

Land, buildings and structures in the HC - Highway Commercial District may be permitted for the following special land uses if approved by the Planning Commission as provided under the procedures contained in Chapter 16 and subject to all general and specific standards applicable to such use.

- A. Special land uses permitted in the NC - Neighborhood Commercial District.
- B. Retail sales establishments where the total area of the principal buildings, accessory buildings and structures exceeds 15,000 square feet or where the business is not conducted entirely within an enclosed building.
- C. Animal hospitals, veterinary clinics and commercial kennels with animal runs that are not totally enclosed.
- D. Restaurants with drive-through facilities.
- E. Dry cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.

- F. Bowling alleys.
- G. Hotels and motels.
- H. Theaters, or similar places of public assembly.
- I. Outdoor and indoor amusement park enterprises.
- J. Contractor yards and lumber yards.
- K. Wholesale warehousing.
- L. Retail nurseries and garden centers.
- M. Off-site parking lots not associated with another principal use on the lot.
- N. Livestock auctions.
- O. Utility buildings and public service buildings, without storage yards.
- P. Commercial warehouses.
- Q. Wind Energy Conversion Systems which comply with Section 3.35. (Added August 2008)

**SECTION 10.04 DISTRICT REGULATIONS.**

No principal building or structure, or enlargement of a principal building or structure, shall be permitted unless such building or structure and the use of the land satisfies the following regulations:

- A. **Site Plan Review.** All uses in this district shall be subject to site plan review, in accordance with Chapter 14.
- B. **Enclosed Buildings.** Unless specifically authorized by the Planning Commission as a special land use, all business, service or processing shall be conducted wholly within a completely enclosed building. This regulation does not apply to automobile parking, off-street loading and drive-through banking.
- C. **Parking, Loading and Signs.** Off-street parking and loading and signs shall be provided only in accordance with Chapter 15 of this Ordinance. All off-street parking shall be adequately lighted to provide a secure and safe environment. The parking and lighting shall meet the following requirements:
  - 1. Light fixtures shall be no higher than 20 feet and shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.

2. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
  3. Parking and parking areas shall not be permitted in the minimum setback area.
  4. For parking areas that provide the parking for a building or structure that exceeds 100,000 square feet in size, the Planning Commission may permit light fixtures which do not exceed 32.5 feet in height if the Planning Commission determines that the increase in light pole height will improve efficiency as to the lighting of the large parking area and will not result in lights spilling onto adjacent lands or detracting from the night sky. (Added January 2008)
  5. For parking areas that provide the parking for a building or structure that exceeds 100,000 square feet in size, the Planning Commission may reduce the number of required parking spaces, or alternatively, may determine that a portion of the requirement for parking spaces may be satisfied by the allocation of undeveloped lands as a deferred parking area. The undeveloped lands must remain available to provide additional off-street parking if it is subsequently determined by the Township Planning Commission that such additional parking is necessary to meet the needs of the development. The Planning Commission may approve a lesser amount of parking or a deferral of parking construction in order to avoid excessive amounts of impervious surface where the Applicant has demonstrated to the satisfaction of the Planning Commission that a reduced amount of total parking area will sufficiently meet the projected needs of the development, in light of the nature, size, location, design and density of the proposed development, the availability of possible sharing of parking spaces by different uses or other factors reasonably related to the need for parking. (Added January 2008)
- D. **Landscaping and Buffer Zones.** Landscaping shall be provided only as permitted by this Ordinance. The front yard, except for necessary entrance drives, shall be landscaped. A buffer zone not less than 25 feet, with berming, fencing or such other screening as may be determined by the Planning Commission, shall be installed adjacent to any abutting residential district. Any yard adjacent to the US 131 right-of-way shall be landscaped.
- E. **Outdoor Storage.** The outdoor storage of goods or materials shall be prohibited in the front yard. Goods or materials stored in a side or rear yard shall not be stored in the setback area and shall be screened from view from the street or from abutting properties. Outdoor storage shall not be permitted in any yard adjacent to the US 131 right-of-way.
- F. **Trash Receptacles.** All trash and refuse containers and storage areas shall be situated in the side or rear yard and shall be effectively screened by a six-foot privacy fence and plantings. Containers and refuse areas shall not be placed in the required minimum setback areas.
- G. **Traffic Circulation.** The Planning Commission may require internal and external traffic studies to ensure a safe and effective traffic flow. The site plan should include information regarding possible parking of equipment or trailers, as well as loading and



truck routes, so as to provide the Planning Commission with information necessary to assure the safe and effective flow of traffic.

H. **Storm Water.** A drainage plan shall be submitted. All development within this district shall comply with the Solon Township Storm Water Ordinance.

I. **Flagpoles.** Not more than one flagpole per lot or parcel may be installed and such flagpoles shall not be more than 35 feet above the average grade even if installed upon a building. The flagpole shall be set back at least 20 feet from all lot lines. All flags and all ropes and other flagpole devices and accessories shall be fastened only to the flagpole; no part of any flag, rope or other flagpole device or accessory shall be fastened to the ground or a building or any place other than the flagpole itself.

J. **Accessory Buildings and Structures.** Accessory buildings and structures shall be regulated in accordance with Section 3.07.

K. **Driveways.**

1. Driveways within the highway commercial district shall be located as follows:

- a. Each lot may be permitted one driveway, provided the spacing requirements of this section can be achieved.
- b. One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.
- c. Additional driveways may be permitted by the Planning Commission for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional driveway.
- d. The Planning Commission may permit two one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
- e. The applicant shall submit evidence indicating that the sight distance requirements of the Michigan Department of Transportation (MDOT) or Kent County Road Commission, as appropriate, are met.

2. Spacing and alignment:

- a. Driveways shall be spaced a minimum of 185 feet from driveways on the same side of the street, centerline to centerline.
- b. Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of 150 feet, centerline to centerline.

- c. Driveways shall be spaced at least 150 feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
  - d. The Planning Commission may require greater spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant a greater distance between driveways.
3. Frontage roads and service drives:
- a. The Planning Commission may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.
  - b. In particular the Planning Commission should consider development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress.
  - c. Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.
  - d. A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the service drive.
- L. **Landscaping.** A landscape plan shall be submitted in conjunction with any site plan in the Highway Commercial District.
- M. **Site Design Requirements.**
- 1. Buildings shall be located to protect natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others are encouraged to be incorporated into the site plan.
  - 2. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
  - 3. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features (see Definitions, Chapter 2) and a variety of building materials and landscaping near the walls.

4. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length.
5. Other walls shall incorporate architectural features and landscaping for at least 30 percent of the wall length.
6. On site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
7. The predominant building materials should be brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth faced concrete block, undecorated tilt up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building. In recognition of developing technologies, the Planning Commission may approve other materials if they are compatible with surrounding properties if such other materials meet architectural and safety concerns as provided in the Township building codes, fire codes and Zoning Ordinance.
8. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.
9. The Planning Commission may modify one or more of the foregoing site design requirements in circumstances where such a modification will result in a higher quality of design or better integration of the proposed use with surrounding uses than would be possible without the modification and where the modification will equally satisfy the purposes of the HC Highway Commercial District, as expressed in Section 10.01.B.

#### **SECTION 10.05 HEIGHT, AREA AND YARD REQUIREMENTS.**

- A. **Building and Structure Height.** No building or structure shall exceed a maximum of 35 feet in height, except as otherwise provided in this Ordinance.
- B. **Front Yard.** There shall be a front yard of no less than 50 feet for buildings without service drives and 75 feet for buildings with service drives, provided that where an existing or lesser setback line has been established by existing commercial buildings occupying 40 percent or more of the commercially zoned frontage within the same block along the same side of the street, the lesser setback shall apply, subject to review and approval by the Zoning Administrator. The Zoning Administrator shall, in particular, consider safety, clear vision zones and aesthetics for the neighboring properties when making this determination. However, the minimum front yard setback for all properties on 17 Mile Road shall be 75 feet.

- C. **Side Yard.** No side yard shall be required when the building directly abuts another business use and the adjacent building is constructed on the shared lot line or the adjacent property owner consents in writing to construction on the lot line. Otherwise, a side yard of not less than ten feet shall be required. For lots on a corner, each yard with frontage on the street shall comply with the front yard requirements.
- D. **Rear Yard.** The rear yard shall be no less than 35 feet.
- E. **Minimum Lot Area.** One acre.
- F. **Minimum Lot Width.** Two hundred feet.
- G. **Lot Coverage.** Unless approved as a special land use, no building in this district shall exceed 15,000 square feet. Further, the total area of all principal buildings, accessory buildings and structures shall not exceed 40 percent of the lot area.

**CHAPTER 10A**  
**IC INTERCHANGE/FREEWAY MIXED USE COMMERCIAL DISTRICT**

**SECTION 10A.01 DESCRIPTION AND PURPOSE.**

It is the intent of this Ordinance to designate portions of the Township for manufactured housing communities and compatible commercial businesses and services that benefit from highway accessibility and are generally not compatible with small scale retail shopping and service establishments. In order to preserve these areas for more intensive uses as the Township develops, certain lower density residential uses will also be permitted.

**SECTION 10A.02 USES PERMITTED BY RIGHT.**

Land and/or buildings in this district may be used for the following purposes as of right:

- A. Manufactured housing communities in compliance with Sections 10A.05 through 10A.07 of this Ordinance.
- B. Uses permitted and as regulated in the HC Highway Commercial District.
- C. Single family dwellings and two family dwellings permitted and as regulated in the R-2 Residential District.
- D. State-licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- E. Family day care homes.
- F. Home occupations in accordance with the requirements of Section 3.22 of this Ordinance.
- G. Accessory parking areas and parking areas as a principal use, and accessory signs.
- H. Wind energy conversion systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35.

**SECTION 10A.03 SPECIAL LAND USES.**

The following uses may be approved by the Planning Commission and are subject to the provisions contained in Chapter 16 of this Ordinance, Special Land Uses.

- A. Uses permitted as a special land use in the HC Highway Commercial District.
- B. Multiple family dwellings.

- C. Wind energy conversion systems which comply with Section 3.35.
- D. Schools, churches, libraries and community center buildings.
- E. Storage warehouses for use by residents of a manufactured housing community and/or by the general public, and which are accessible by the internal roads of a manufactured housing community.

**SECTION 10A.04 OTHER USES.**

Except in state-licensed manufactured housing communities, the following other uses may be permitted as provided in this Ordinance:

- A. Accessory buildings and uses as regulated under Section 3.07 of this Ordinance.
- B. Temporary uses as regulated under Section 3.09 of this Ordinance.

Accessory buildings and uses, and temporary uses are permitted in a state-licensed manufactured housing community only if permitted by and as regulated by Sections 10A.05 through 10A.07 of this Ordinance.

**SECTION 10A.05 MANUFACTURED HOUSING COMMUNITY DESIGN REQUIREMENTS.**

All manufactured housing communities shall comply with the following design requirements:

- A. **Access and Roads.**
  - 1. The community’s internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
  - 2. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
  - 3. All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AASHTO”).
  - 4. An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
  - 5. Safe-sight distance shall be provided at intersections.
  - 6. An offset at an intersection or an intersection of more than two internal roads is prohibited.

7. The following types of internal roads shall have driving surfaces that are not less than the following widths:
  - a. One-way, no parking.....16 feet
  - b. Two-way, no parking .....21 feet
  - c. One-way, parallel parking, one side .....23 feet
  - d. One-way, parallel parking, two sides.....33 feet
  - e. Two-way, parallel parking, one side.....31 feet
  - f. Two-way, parallel parking, two sides .....41 feet
  
8. All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:
  - a. All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
  - b. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
  - c. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.
  
9. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
  
10. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

**B. Driveways.**

1. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.

2. The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

**C. Resident Vehicle Parking.**

1. All home sites shall be provided with two parking spaces.
2. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
  - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
  - b. The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
3. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of 20 feet.
4. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

**D. Visitor Parking Facilities.**

1. A minimum of one parking space for every three home sites shall be provided for visitor parking.
2. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
3. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

**E. Sidewalks.**

1. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities



including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.

2. All sidewalks shall be constructed in compliance with all of the following requirements:
  - a. Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
  - b. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
3. An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

**F. Lighting.**

1. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
2. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.
3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.
4. If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

**G. Utilities.**

1. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
2. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.

3. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
4. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
5. All storm sewers shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

**H. Site Size, Spacing and Setback Requirements.**

1. **Home Site Area.** The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by 20 percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 12.05.J of this chapter.
2. **Required Distances Between Homes and Other Structures.**
  - a. Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
    - (1) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
    - (2) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
    - (3) Ten feet from either of the following:
      - (i) The parking space on an adjacent home site.

- (ii) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
  - (4) Fifty feet from permanent community-owned structures, such as either of the following:
    - (i) Club houses.
    - (ii) Maintenance and storage facilities.
  - (5) One hundred feet from a baseball or softball field.
  - (6) Twenty-five feet from the fence of a swimming pool.
- b. Attached or detached structures or accessories that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.
- c. Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
  - (1) Ten feet from the edge of an internal road.
  - (2) Seven feet from a parking bay off a home site.
  - (3) Seven feet from a common sidewalk.
  - (4) Twenty-five feet from a natural or man-made lake or waterway.
- d. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
  - (1) Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.
  - (2) Roof overhangs shall be set back two feet or more from the edge of the internal road.
- e. Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.

### 3. **Setbacks From Property Boundary Lines.**

- a. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.

- b. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

**I. Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:

1. If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.
2. If the community abuts a nonresidential development, it need not provide screening.
3. In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.
4. The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
5. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

**J. Open Space Requirements.**

1. A community that contains 50 or more sites shall have not less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
2. Required setbacks may not be used in the calculation of open space area.

**K. Site Constructed Buildings and Dwellings.**

1. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.

2. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
  3. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single family residential purposes.
  4. Site-built single family dwellings may be located in a community as follows:
    - a. One single family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
    - b. Two single family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
    - c. Any such single family dwellings permitted under this section shall comply in all respects with the requirements of single family dwellings in the R-2 Residential District.
- L. **Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16-square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.
- M. **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.
- N. **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

**SECTION 10A.06 MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES; OPERATION OF COMMUNITIES.**

- A. **Home Size.** Manufactured homes within a community shall not contain less than 760 square feet, as measured by the outside dimensions, nor have an outside width of less than 13 feet.
- B. **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- C. **Skirting.** Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
1. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
  2. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
- D. **Storage of Personal Property.**
1. Except as otherwise noted in this Ordinance, no personal property shall be stored outside or under any mobile home, or within carports which are open on any side.
  2. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
  3. Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site for the storage of personal property.
- E. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms,

including axles, may, however, be stored under manufactured homes within a community, provided that the tires are first removed from the towing mechanisms.

- F. A manufactured home shall only be used as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community.
- G. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
- H. New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.
- I. The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
- J. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
- K. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
- L. Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
- M. Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

**SECTION 10A.07 REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS.**

- A. **Review.** Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.
- B. **Application.** All plans submitted to the Planning Commission for review under this section shall contain the following information:

1. The date, north arrow and scale. The scale shall not be less than 1"=50' for property under three acres and at least 1"=100' for those three acres or more.
2. All site and/or property lines are to be shown in dimension.
3. The location and height of all existing and proposed structures on and within the subject property, and existing within 100 feet of the subject property.
4. The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
7. The name and address of the property owner and developer.
8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
9. Location of all fire hydrants, if applicable.
10. The number of manufactured housing sites proposed.
11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
12. Utility and other easements.
13. Reserved.
14. Existing wetlands.
15. Proposed sign locations.
16. All required setbacks and separations.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

C. **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.



**D. Decision.**

1. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it shall be approved.
2. The plan shall be approved, approved with conditions, or denied within 60 days after received by the Township, unless the applicant consents to allow a longer period of review.

(Adopted February 9, 2016)

**CHAPTER 11  
IND – INDUSTRIAL DISTRICT**

**(Amended by Ord. No. 08-2Z)**

**SECTION 11.01 DESCRIPTION AND PURPOSE.**

This zoning district is intended to provide exclusive areas for industrial uses in areas served by adequate infrastructure. Uses in this zoning district are to provide for various types of light industrial and manufacturing uses, wholesale businesses, warehouses and other uses compatible with one another and with surrounding land uses and with an absence of objectionable external effects. These uses are characterized by moderate lot coverage, adequate setbacks, environmental sensitivity, and creative site design. The regulations are defined to exclude uses which would have a detrimental effect upon the orderly development and functioning of the district, as well as surrounding land uses.

**SECTION 11.02 PERMITTED USES.**

Land and/or buildings in the IND District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling the following:
1. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products.
  2. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats and oils).
  3. Furniture and fixtures.
  4. Printing, publishing, and allied industries.
  5. Electrical machinery, equipment and supplies, electronic components and accessories.
  6. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods.
  7. Cut stone and stone products related to monuments.
- B. Industrial plants manufacturing, compounding, processing, packaging, treating or assembling of materials or products from previously prepared materials the following:
1. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products.

2. Apparel and other finished products including clothing, leather goods, furnishing and canvas products.
  3. Lumber and wood products including mill work, prefabricated structural work products and containers.
  4. Paper and paperboard containers and products.
  5. Biological products, drugs, medicinal chemicals and pharmaceutical preparations.
  6. Glass products.
  7. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusement, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays.
  8. Pottery and figurines and other ceramic products using only previously pulverized clay.
  9. Fabricated metal products, except heavy machinery and transportation equipment.
- C. Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and lumber.
  - D. Warehousing, refrigerated and general storage.
  - E. Laundries, laundry services, and dry cleaning and dyeing plants, excluding retail/service outlets serving the general public.
  - F. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
  - G. Research and development facilities, including production activities, which shall be limited to 50 percent of the floor area of the main building.
  - H. Trade or industrial schools.
  - I. New building materials sales and storage, including building trade contractors, and related storage yards.
  - J. Body shops.
  - K. Utilities and communications installations such as electrical receiving or transforming stations, microwave towers, and television and radio towers.
  - L. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems.

- M. Buildings, structures, and uses accessory to the permitted and special land uses.
- N. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35. (Added August 2008)

**SECTION 11.03 SPECIAL LAND USES.**

Land and/or buildings in the IND District may be used for the following purposes following review by the Planning Commission as a special land use as regulated by Chapter 16:

- A. Truck and freight terminals.
- B. Bulk oil, gasoline and propane distribution. (Amended August 13, 1996)
- C. Junkyards.
- D. Adult uses.
- E. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- F. Wind Energy Conversion Systems which comply with Section 3.35. (Added August 2008)

**SECTION 11.04 DISTRICT REGULATIONS.**

No main building or main structure, nor the enlargement of any main building or main structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement. (Amended December 12, 2000)

- A. The first 35 feet of the front yard area, except for necessary entrance drives, shall be landscaped.
- B. All permitted uses and special land uses shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, and the on-site parking of vehicles, or as otherwise permitted by this Ordinance.
- C. Outside storage of materials, equipment, or vehicles is permitted, subject to the following restrictions:
  - 1. Materials may be stored only in the side or rear yards, except that materials may not be stored on the street side of the corner lot. In no case shall materials be stored in any required yard.
  - 2. All storage of materials shall be visually screened to a height of at least six feet above the elevation of the nearest adjacent road or property. Such screening shall consist of either a decorative fence, wall, or greenbelt, or a combination of these materials.

3. In no case shall the outside storage of material be stacked higher than the height of the visual screen.
4. One nongated opening, no greater than 12 feet in width, shall be permitted in the screen for each 200 feet of property frontage on a public street.

**D. Development Requirements.**

Front Yard	50 feet
Side Yard	Side abutting residential districts or uses - 50 feet
	Street side of a corner lot - 50 feet
	20 feet
Rear Yard	35 feet
Lot Coverage	60 percent (including building and parking areas)
Building Height	40 feet
Minimum Lot Area	2 acres
Minimum Lot Width	200 feet

**CHAPTER 12**  
**MHC – MANUFACTURED HOUSING COMMUNITY DISTRICT**

**(Amended August 2006)**

**SECTION 12.01 DESCRIPTION AND PURPOSE.**

This district is intended primarily for manufactured housing communities, and also for single family, two family, and multiple family uses, accessory uses and certain other permitted uses.

**SECTION 12.02 PERMITTED USES.**

Land, buildings and structures in the MHC District may be used for the following purposes only, unless otherwise provided in this Ordinance:

- A. State-licensed manufactured housing communities as regulated by Sections 12.05 through 12.07 of this Ordinance.
- B. Single family dwellings and two family dwellings, as regulated in the R-2 Residential District.
- C. State-licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. (Amended August 3, 2006)
- D. Family day care homes.
- E. Home occupations in accordance with the requirements of Section 3.22 of this Ordinance.
- F. Public parks, playgrounds and cemeteries.
- G. Uses customarily incidental to any of the above permitted uses or below special land uses.

**SECTION 12.03 SPECIAL LAND USES.**

Land and/or buildings in the MHC District may be used for the following purposes following review by the Planning Commission as a special land use as regulated by Chapter 16 of this Ordinance.

- A. Multiple family dwellings.
- B. Roadside stands.

- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. Public or private campgrounds.
- E. Schools, churches, libraries and community center buildings.
- F. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- G. Storage warehouses for use by residents of a manufactured housing community and/or by the general public, and which are accessible by the internal roads of a manufactured housing community.

**SECTION 12.04 OTHER USES.**

Except in state-licensed manufactured housing communities, the following other uses may be permitted as provided in this Ordinance:

- A. Accessory buildings and uses as regulated under Section 3.07 of this Ordinance.
- B. Temporary uses as regulated under Section 3.09 of this Ordinance.

Accessory buildings and uses, and temporary uses are permitted in a state-licensed manufactured housing community only if permitted by and as regulated by Sections 12.05 through 12.07 of this Ordinance.

**SECTION 12.05 MANUFACTURED HOUSING COMMUNITY DESIGN REQUIREMENTS.**

All manufactured housing communities shall comply with the following design requirements:

- A. **Access and Roads.**
  - 1. The community’s internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
  - 2. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
  - 3. All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AASHTO”).
  - 4. An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.

5. Safe-sight distance shall be provided at intersections.
6. An offset at an intersection or an intersection of more than two internal roads is prohibited.
7. The following types of internal roads shall have driving surfaces that are not less than the following widths:
  - a. One-way, no parking.....16 feet
  - b. Two-way, no parking ..... 21 feet
  - c. One-way, parallel parking, one side.....23 feet
  - d. One-way, parallel parking, two sides.....33 feet
  - e. Two-way, parallel parking, one side.....31 feet
  - f. Two-way, parallel parking, two sides.....41 feet
8. All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:
  - a. All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
  - b. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
  - c. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.
9. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
10. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.



**B. Driveways.**

1. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
2. The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

**C. Resident Vehicle Parking.**

1. All home sites shall be provided with two parking spaces.
2. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
  - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
  - b. The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
3. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of 20 feet.
4. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

**D. Visitor Parking Facilities.**

1. A minimum of one parking space for every three home sites shall be provided for visitor parking.
2. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
3. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

**E. Sidewalks.**

1. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.
2. All sidewalks shall be constructed in compliance with all of the following requirements:
  - a. Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 *et seq.* of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
  - b. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
3. An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

**F. Lighting.**

1. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
2. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.
3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.
4. If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

**G. Utilities.**

1. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.

2. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.
3. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
4. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
5. All storm sewers shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

#### H. **Site Size, Spacing and Setback Requirements.**

1. **Home Site Area.** The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by 20 percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 12.05.J of this chapter.
2. **Required Distances Between Homes and Other Structures.**
  - a. Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
    - (1) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.

- (2) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
  - (3) Ten feet from either of the following:
    - (i) The parking space on an adjacent home site.
    - (ii) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
  - (4) Fifty feet from permanent community-owned structures, such as either of the following:
    - (i) Club houses.
    - (ii) Maintenance and storage facilities.
  - (5) One hundred feet from a baseball or softball field.
  - (6) Twenty-five feet from the fence of a swimming pool.
- b. Attached or detached structures or accessories that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.
  - c. Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
    - (1) Ten feet from the edge of an internal road.
    - (2) Seven feet from a parking bay off a home site.
    - (3) Seven feet from a common sidewalk.
    - (4) Twenty-five feet from a natural or man-made lake or waterway.
  - d. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
    - (1) Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.
    - (2) Roof overhangs shall be set back two feet or more from the edge of the internal road.

- e. Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.

**3. Setbacks From Property Boundary Lines.**

- a. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
- b. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

**I. Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:

- 1. If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.
- 2. If the community abuts a nonresidential development, it need not provide screening.
- 3. In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.
- 4. The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
- 5. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

**J. Open Space Requirements.**

- 1. A community that contains 50 or more sites shall have not less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
- 2. Required setbacks may not be used in the calculation of open space area.

**K. Site Constructed Buildings and Dwellings.**

1. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.
2. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
3. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single family residential purposes.
4. Site-built single family dwellings may be located in a community as follows:
  - a. One single family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
  - b. Two single family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
  - c. Any such single family dwellings permitted under this section shall comply in all respects with the requirements of single family dwellings in the R-2 Residential District.

**L. Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16-square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.

**M. RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.

**N. Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of

manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

**SECTION 12.06 MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES; OPERATION OF COMMUNITIES.**

- A. **Home Size.** Manufactured homes within a community shall not contain less than 760 square feet, as measured by the outside dimensions, nor have an outside width of less than 13 feet.
- B. **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- C. Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
  - 1. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
  - 2. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
- D. **Storage of Personal Property.**
  - 1. Except as otherwise noted in this Ordinance, no personal property shall be stored outside or under any mobile home, or within carports which are open on any side.
  - 2. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
  - 3. Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site for the storage of personal property.

- E. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community, provided that the tires are first removed from the towing mechanisms.
- F. A manufactured home shall only be used as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community.
- G. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
- H. New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.
- I. The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
- J. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
- K. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
- L. Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
- M. Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

**SECTION 12.07 REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS.**

- A. **Review.** Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.



B. **Application.** All plans submitted to the Planning Commission for review under this section shall contain the following information:

1. The date, north arrow and scale. The scale shall not be less than 1"=50' for property under three acres and at least 1"=100' for those three acres or more.
2. All site and/or property lines are to be shown in dimension.
3. The location and height of all existing and proposed structures on and within the subject property, and existing within 100 feet of the subject property.
4. The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
7. The name and address of the property owner and developer.
8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
9. Location of all fire hydrants, if applicable.
10. The number of manufactured housing sites proposed.
11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
12. Utility and other easements.
13. Reserved.
14. Existing wetlands.
15. Proposed sign locations.
16. All required setbacks and separations.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

C. **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

D. **Decision.**

1. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it shall be approved.
2. The plan shall be approved, approved with conditions, or denied within 60 days after received by the Township, unless the applicant consents to allow a longer period of review.

**CHAPTER 13**  
**OPEN SPACE PLANNED UNIT DEVELOPMENT DISTRICT (OS-PUD)**

**(Amended March 2006 and by Ord. No. 08-2Z)**

**SECTION 13.01 INTENT AND PURPOSE.**

**A. Intent.**

1. The Open Space PUD Planned Unit Development (OS-PUD) District is intended to accomplish the following:
  - a. Offer an alternative to the design of subdivisions.
  - b. Offer incentives toward retaining natural features and scenic views in the Township.
2. The provisions of this chapter are not intended as a device for circumventing the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this chapter are intended to result in land use development and densities substantially consistent with the master plan, with modifications and departures from generally applicable Zoning Ordinance requirements made in accordance with standards provided in this chapter to ensure appropriate, fair, and consistent decision-making.
3. This Ordinance is intended to permit a degree of controlled flexibility and consequently allow more creative and imaginative design in the development of planned areas than is possible under other zoning districts provided within the Solon Township Zoning Ordinance.

**B. Purpose.** The OS-PUD District is designed for the following purposes:

1. To preserve natural site features and scenic views which might otherwise be developed by offering incentives to developers to preserve such features and views.
2. To allow residential developments which have varied lot sizes, buildings and roads which are placed to preserve natural features, and undeveloped areas which are retained for the enjoyment of PUD residents.
3. Preserve wildlife habitat.
4. Allow for residential developments to be designed to promote a sense of neighborhood, community and safety through the arrangement of houses, streets, walkways lights and the provision of places where people can interact.

5. Encourage the provision of village greens and the development of recreational and other support facilities in a generally central location within reasonable distance of all units.
6. Insure a quality of construction commensurate with other developments within the Township.

### **SECTION 13.02 AUTHORIZATION.**

An Open Space PUD Zoning District may be approved in any location recommended for residential use by the Solon Township master plan or any location zoned AR, R-1 or R-2. The granting of an open space planned unit development rezoning application shall require an amendment of the Zoning Ordinance and the zoning map constituting a part of this Ordinance.

An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute part of the Zoning Ordinance.

### **SECTION 13.03 QUALIFYING CONDITIONS.**

Any application for rezoning to an OS-PUD District shall meet the following minimum requirements:

- A. The proposed area shall consist of a minimum of five contiguous acres.
- B. Each PUD shall contain open space equal to a minimum of 40 percent of the gross site area. Such open space (“Dedicated Open Space”) shall be maintained by the developer or homeowner’s association and shall be set aside for the common use of the owners within the PUD with written assurances that the required open space shall be preserved and properly maintained.
- C. The proposed development shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as there is still unified ownership or control of and for the development as required by this Ordinance.

### **SECTION 13.04 OPEN SPACE REQUIREMENTS.**

- A. An open space PUD shall provide and maintain a minimum of 40 percent of the gross area of the site as dedicated open space according to the following requirements:
  1. All areas identified as primary conservation areas in Section 13.08 shall be preserved as open space; provided, however, that only one-half of the primary conservation area shall be counted as part of the 40 percent dedicated open space required by this section.

2. The remainder of the land to be counted as dedicated open space shall consist of secondary conservation areas as defined in Section 13.08.C.2.
3. **Areas Not Considered Dedicated Open Space.** The following land areas shall not be considered as dedicated open space:
  - a. The area within any public street right-of-way.
  - b. The area within private road access easements.
  - c. Any easement for overhead utility lines unless adjacent to qualified open space.
  - d. Fifty percent of the primary conservation areas identified in Section 13.08.C.2.
  - e. Fifty percent of areas devoted to ball fields, golf courses, community buildings and similar recreational facilities.
  - f. The area within a platted lot or site condominium lot.
  - g. Off-street parking areas.
  - h. Detention and retention ponds.
  - i. Community drainfields.
4. **Standards for Dedicated Open Space.** The following standards shall apply to the dedicated open space provided in the development:
  - a. Dedicated open space shall be for use by all residents of the PUD, subject to reasonable rules and regulations.
  - b. If the site contains a lake, stream or other body of water, the Township may require that a portion of the dedicated open space abut the body of water.
  - c. A portion of the dedicated open space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 75 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to help preserve or enhance the existing rural view.
  - d. The dedicated open space shall be reasonably usable by residents of the PUD.
  - e. Developers are encouraged to link dedicated open space with adjacent open spaces, natural areas and pedestrian ways.

5. **Guarantee of Dedicated Open Space.** The applicant shall provide an open space preservation and maintenance agreement to the Township, stating that all dedicated open space portions of the development shall be preserved and maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space PUD plan, unless an amendment is approved by the Township Board.

The agreement is subject to the approval of the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended.

The agreement shall:

- a. Indicate the proposed allowable use(s) of the dedicated open space.
- b. Require that the dedicated open space be preserved by parties who have an ownership interest in the dedicated open space.
- c. Provide standards for preservation of the dedicated open space including necessary pruning, harvesting of trees and new plantings.
- d. Provide for preservation of dedicated open space to be undertaken by Solon Township in the event that the dedicated open space is determined to be a public nuisance. Any costs incurred by the Township for such preservation and maintenance of dedicated open space shall be assessed to and paid by the owners of the lands within the PUD in accordance with procedures and upon such basis authorized by law.

**SECTION 13.05 DENSITY AND NUMBER OF DWELLING UNITS.**

(Amended 3/12/2019; effective 8/8/2019)

- A. An area which is requested for rezoning to OS-PUD shall be developed only in accordance with the building density set forth in the following Building Density Table, and in accordance with the requirements of Section 3.08.H.

**BUILDING DENSITY TABLE**

<b>Master Plan Category</b>	<b>Maximum Average Building Density</b>
AR, Agricultural Residential	1 du/1.0 acre
R-1 and R-2 Districts	w/o public/community sewer and water: 1 du/1.0 acre, except R-1 lakefront lots shall be at least 15,000 sq. ft.
	w/public/community sewer and water: 1 du/25,000 sq. ft.

The density (dwelling units per acre) and the number of dwelling units permitted in an open space PUD shall be determined in the following manner:

- B. **Base Formula to Determine Number of Dwellings.** The applicant shall prepare an existing zoning plan illustrating the layout of the property according to the minimum lot size and width requirements of the existing zoning of the property. The existing zoning plan shall be conceptual in nature but shall contain the following information:
1. Date, north arrow and scale which shall not be more than 1"=100.'
  2. Primary conservation areas as shown on the natural features map required by Section 13.08.C.2.
  3. Location of roads and shared driveways.
  4. Location of all lots illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the zoning district.
  5. Location of septic tank and drainfield for the lots illustrated. The applicant shall provide proof that the proposed septic tank and drainfield locations are suitable, based on a preliminary assessment by the Kent County Health Department, or proof from the Michigan Department of Environmental Quality, if public or community systems are proposed.
  6. **Permitted Number of Dwelling Units.** The number of dwellings permitted shall be the same number as determined by the existing zoning plan.
  7. **Formula to Determine Additional Dwellings.** Subject to the requirements of Section 3.08.H, additional dwellings above what is permitted by this Section 13.05.B may be permitted at the discretion of the Township Board and Planning Commission according to the following formula:

Determine Net Buildable Acreage according to the steps below.

Gross Site Acreage

- Area in existing and proposed road right-of-way
- State of Michigan-regulated wetlands, 100-year floodplain and all existing bodies of water (ponds, streams, creeks, lakes)
- Slopes which are 20 percent or more
- 1/2 of any area proposed as a golf course

= **Net Buildable Acreage**

- + Add in number of acres of unregulated wetlands which are preserved as dedicated open space

- + Add in 4 percent of the gross site area if a public or community sanitary sewer system is provided.
  - + Add in 1 percent of the gross site area if a public or community water supply system is provided.
  - x Density from Building Density Table
- = Number of dwellings permitted**

**SECTION 13.06 DEVELOPMENT REQUIREMENTS.**

(Amended 3/12/2019; effective 8/8/2019)

**A. Lot Area and Width.**

**1. For Areas in the AR, R-1 and R-2 Districts\*:**

- a. Without either public/community sanitary sewer or public/community water supply.

<b>Min. Lot Area</b>	<b>Min. Lot Width*</b>
1.0 acre.	AR – 200 ft. R-1 and R-2 – 150 ft.

- b. With public/community sanitary sewer and public/community water supply.

<b>Min. Lot Area</b>	<b>Min. Lot Width*</b>
25,000 sq. ft.	100 ft

\*Further reductions may be permitted when proportionate to and consistent with smaller minimum lot sizes prescribed in the underlying zoning district regulations, such as the 15,000 minimum lot size for lakefront lots in the R-1 District and reduced lot sizes for multiple family dwellings in the R-2 District, but except as specifically so provided in this ordinance, the restrictions of Section 3.08.H shall apply.

Each lot shall have a minimum of 50 feet of frontage measured at the street right-of-way. The minimum lot width shall be measured between side lot lines as provided more specifically in Section 2.13 Lot Width.

- 2. **Perimeter Lot Sizes.** The Planning Commission may require that an OS-PUD be developed with lot sizes on the perimeter which will blend with adjacent land uses (planned or existing).
- 3. **Setbacks.** Building setbacks within an OS-PUD shall be determined by the Planning Commission subject to Township Board approval and shall be established to achieve the intent and purpose of this chapter.



4. **Sidewalks.** The Planning Commission may require sidewalks in accordance with the Township's site condominium regulations and subdivision regulations.
5. **Grading.** Grading within the PUD shall comply with the following requirements:
  - a. To preserve the natural appearance and beauty of the property, all graded areas, cuts and fills will be kept to a minimum. With due regard to the requirements of development of the property, as well as to serve the other specified purposes of this chapter, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size, height, and angles of cut and fill slopes and the shape thereof, so long as such requirements are reasonable. In appropriate cases, retaining walls may be required.
  - b. All areas indicated as dedicated open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except as permitted by this subsection. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, stables and similar recreational improvements and amenities may be placed in natural open space areas if approved by the Planning Commission and Board.
  - c. Grading within the PUD shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so have a minimal effect upon the environmental characteristics of the land as reasonably feasible.
6. **Private Roads.** Private roads within a PUD shall conform to the private road requirements of this Ordinance. The Planning Commission however may modify the requirements for private roads contained herein and in doing so, the following criteria shall be considered:
  - a. Number and type of dwelling units served by private road.
  - b. Traffic generation.
  - c. Existing topography and vegetation.
  - d. Security provisions.
  - e. Inter-relationship with the public street network.
  - f. Future provisions of public utilities.
  - g. Likelihood of public dedication of the roadway.

**SECTION 13.07 PERMITTED USES.**

(Amended 3/12/2019; effective 8/8/2019)

Land and buildings in an open space PUD may only be used for the following uses or combination of such uses:

- A. Single family detached dwelling units.
- B. Two family attached dwelling units (duplexes).
- C. Multi-family dwelling units up to four units per building but only if the land requested for rezoning to open space PUD is in the R-2 District and public or community sanitary sewer service is provided.
- D. Limited farming activities are permitted if conducted within the PUD. For purposes of this section farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of a PUD, the project shall demonstrate that the farming activities will be a particular benefit to the PUD residents and neighborhood and the activities will not pose a nuisance or a hazard to the residents of the PUD.
- E. Golf courses, tennis courts, ball fields, bike paths, walking paths, playground, community buildings, and similar recreational facilities as well as day care facilities, provided such uses are accessory to the residential uses in the PUD and designed to be used primarily by residents of the PUD.
- F. Other uses permitted by right in the district that included the PUD immediately prior to the rezoning to the PUD District.
- G. Accessory uses, structures and buildings which are customarily associated with the uses specified above.
- H. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35. (Added August 2008)
- I. Wind Energy Conversion Systems which comply with Section 3.35; provided, however, PUD approval shall be obtained in lieu of the special land use approval required by Section 3.35.C.1. (Added August 2008)

**SECTION 13.08 PROCEDURES FOR REVIEW OF PHASE I AND PHASE II PRELIMINARY SITE PLAN.**

- A. **Application.** An applicant for a PUD rezoning shall submit an application provided by the Township along with the appropriate fees as established by the Township Board.
- B. **Staff Conference.** Following the application and fee submittal, the applicant shall meet with the Township staff, which may include the Building Inspector, Zoning Administrator, the Township planner, Township engineer or other Township consultants.

The applicant may provide a conceptual drawing or other information about the project or property.

The purpose of this meeting is to explain the open space PUD site plan design and review process to the applicant along with Township site development requirements to assist the applicant in preparing a site plan for review by the Planning Commission.

C. **Preliminary Site Plan Review: Phase I.** Following the above conference, the Applicant shall submit to the Building Inspector, Zoning Administrator or person designated by the Township 13 copies of an existing zoning plan prepared according to Section 13.05.B. The applicant shall also submit 13 copies each of a natural features map and a Phase I preliminary site plan prepared according to the following requirements:

1. **Natural Features Map and Preliminary Site Plan.** The applicant shall prepare these two plans using the four step design process described below.

The first plan shall be referred to as the natural features map and shall be prepared according to Steps 1 and 2 below.

The second plan shall be referred to as the Phase I preliminary site plan and shall be prepared according to Steps 3 and 4 and shall also contain the information required by this section for preliminary site plans.

<b>STEP 1 IDENTIFY AREAS TO BE PRESERVED</b>
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2. Prepare a separate natural features map of the proposed OS-PUD development that identifies the primary conservation and secondary conservation area which shall include:

**Primary Conservation Areas**

- a. Wetlands, creeks, streams, ponds, lakes or other bodies of water.
- b. Floodplains.
- c. Steep slopes (20 percent or over).
- d. Habitats of endangered species.

**Secondary Conservation Areas**

- e. Significant wildlife habitats.
- f. Woodlands.
- g. Farm land.
- h. Meadows and hedgerows.

- i. Farm buildings and fences.
  - j. Historic, cultural, and archeological features.
  - k. Views into and out of the site.
3. Next, identify on the natural features map those Secondary Conservation areas which shall be preserved as dedicated open space in addition to all primary conservation areas. These Secondary Conservation areas shall constitute at least 20 percent of the site according to the requirements of Section 13.04.A herein.
  4. Next, identify and label on the natural features map potential development areas where houses can be located.
  5. Next, determine the number of houses permitted for the site by Section 13.05.

## **STEP 2 LOCATE HOUSES**

6. On the same natural features map, illustrate the tentative location of house sites. Within open space PUD developments, house sites shall be identified before determining the location of lot lines and streets. The location of house sites shall be based upon the following criteria:
  - a. House sites shall be located within the potential development areas identified in Step 1 and outside the boundaries of the primary conservation areas and the secondary conservation areas identified in Step 1 as dedicated open space.
  - b. Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way.
  - c. In order to maintain scenic views and rural character, dwellings placed directly on hilltops shall be discouraged if the dwelling is unscreened from the view of nearby properties and roads. If such dwellings are permitted, they should be one story to avoid walkout type dwellings from having the appearance of a three story dwelling and detracting from the rural view.

## **STEP 3 LOCATE STREETS AND TRAILS**

7. Next on a separate plan to be known as the Phase I preliminary site plan, illustrate the location of streets and trails. The following criteria shall apply when locating streets and trails. (For Steps 3 and 4, the site plan shall also contain the information required by Section 13.08.C.10 herein for preliminary site plans).
  - a. Avoid crossing wetland, wildlife habitat, or other sensitive natural areas with streets. Travel lanes may be split into a boulevard-style street with natural areas between the travel lanes.

- b. Avoid long straight or curving street segments that encourage speeding; shorter straight segments at 90 degrees to each other are preferable.
- c. Whenever possible, street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows or playing fields.
- d. Every effort should be made to connect each street with another so that dead ends are minimized, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- e. Whenever possible, streets serving new developments should be designed to connect with adjoining properties.
- f. OS-PUD developments shall, where feasible and appropriate, provide a trail system that provides pedestrian and bicycle linkage throughout the development, that take advantage of the primary and secondary conservation areas. Linkage to future neighborhoods and developments that may occur adjacent to the development may be provided and are encouraged.

#### **STEP 4 DRAW LOT LINES**

- 8. On the same plan as prepared for Step 3, the Phase I preliminary site plan, draw lot lines within the development and also conform to the following: (Amended 3/12/2019; effective 8/8/2019)
  - a. Lots shall be of a size and width necessary to comply with the requirements of Section 3.08.H of this Ordinance and to obtain approval from the Kent County Health Department or Michigan Department of Environmental Quality, as applicable. If permitted by the KCHD or MDEQ, as applicable, septic drainfields may be located within dedicated open space areas outside the lot lines.
  - b. As part of the preliminary site plan, the applicant shall provide documentation from the Kent County Health Department that the soil types in the buildable areas are acceptable for on-site well and septic systems or that the proposed public or community systems are approved by the Michigan Department of Environmental Quality.
  - c. If the applicant is also seeking approval for the private road, information required by Section 3.26 herein shall also be submitted.
  - d. In some cases, house lots may extend into the primary conservation area, but the boundaries of the primary conservation area shall be designated as a “no disturb” area.

9. The natural features map plan prepared according to Steps 1 and 2 above along with the Phase I preliminary site plan prepared according to Steps 3 and 4 shall be submitted to the Planning Commission for preliminary site plan review according to the procedures of this Ordinance.
10. **Phase I Preliminary Site Plan Requirements.** The Phase I preliminary site plan shall contain the following unless specifically waived, in writing, by the Zoning Administrator:
  - a. Date, north arrow, and scale which shall not be more than 1"=100.'
  - b. Locational sketch of site in relation to surrounding area.
  - c. Legal description of property including common street address.
  - d. Size of parcels.
  - e. Existing and proposed topographical contours at a minimum of five-foot intervals on the site and to a distance of 50 feet outside the site.
  - f. All lot or property lines with dimensions.
  - g. Location of existing drainage courses, floodplains, lakes, streams, wetlands and other water bodies.
  - h. Existing zoning and land use of the proposed site and all adjacent properties.
  - i. Location and uses of all buildings within 100 feet of the property lines.
  - j. Location and description of existing and proposed signs and exterior lighting on the site.
  - k. Location and description of all existing and proposed structures on the site.
  - l. Location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of parking spaces and typical dimensions.
  - m. General location and size of proposed landscaped areas and buffer strips.
  - n. General indication of phases of development.
  - o. Specific designation of all uses that are to be conducted upon the premises and the location of such uses.

- p. Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water runoff will be ultimately discharged.
11. Thirteen copies of a narrative describing:
- a. The overall objective of the project.
  - b. The proposed density, number, and types of dwelling units.
  - c. If the proposed project will be served by water or sanitary sewer systems, a statement from a registered professional engineer describing methods and capacities.
  - d. Calculations demonstrating compliance with the ordinance requirements for open space and number of permitted dwellings.
  - e. Proof of ownership or legal interest in property.
  - f. The respects, including extent and details, in which the proposed OS-PUD varies from the minimum provisions for lot area, lot width and building setbacks in the existing zoning district.
12. **Environmental Impact Assessment.** The Planning Commission may require an environmental impact assessment as part of the Phase I or Phase II preliminary plan. This assessment shall describe the effect and impact that the proposed PUD will or may have upon or with respect to the following matters.
- a. The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
  - b. Population in the immediate area and the Township; local school systems; traffic congestion.
  - c. Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
  - d. Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare.
  - e. General appearance and character of the area; historic structures and places; archeological sites and artifacts.
  - f. Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the

proposed land use within their respective responsibilities and jurisdictions: County Health Department; County Road Commission; County Drain Commissioner; Department of Environmental Quality; immediate school district; local board of education; county sheriff's department; local fire department and other appropriate agencies.

- g. Traffic impact study.
  - h. A community impact analysis.
  - i. An economic feasibility study for the principal uses of the proposed PUD.
  - j. An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.
13. **Staff Review.** The Zoning Administrator shall prepare a report on the preliminary site plan for the Planning Commission. The Township planner and engineer may also prepare reports.
14. **Review of Phase I Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications thereof. A copy of the Planning Commission's recommendations as contained in the minutes of the Planning Commission shall be forwarded to the Township Board. Such review and other consideration of the preliminary plan shall take place at a public meeting or meetings of the Planning Commission, and at meetings of committees of the Commission, where appropriate. The recommendations of the Planning Commission to the applicant, regarding the PUD, shall be based on the following considerations:
- a. The requirements of this Ordinance and the Solon Township master plan.
  - b. How well the preliminary site plan conforms to the four step design process of this section.
  - c. The setback and placement of buildings and structures.
  - d. Ingress to and egress from the PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, traffic flow and control and emergency access.
  - e. Off-street parking and loading areas where required.
  - f. Screening and buffering, including type, dimensions and character of materials used therefore.



- g. Water supply and sanitary sewage disposal as well as provisions for storm water runoff.
- h. The preservation of natural resources and natural features.
- i. Open spaces and recreational areas.
- j. Drainage courses, flood plains, lakes, streams, and wetlands.
- k. The number of dwellings proposed.
- l. Impact and adverse effects, if any, upon adjacent and nearby lands, the surrounding area and the Township.
- m. Other aspects and effects of the PUD, as reasonably deemed appropriate by the Planning Commission.

**D. Advisory Public Hearing.** In the course of its consideration of the preliminary development plan, the Planning Commission may, in its discretion, convene an advisory public hearing in order to receive public comments concerning the preliminary development plan. For such hearing, the Planning Commission shall give notice thereof by publication in a newspaper of general circulation within the Township. The notice shall be published at least ten days prior to the public hearing.

Notice of the public hearing shall also be mailed or delivered personally to all persons to whom any real property is assessed within 300 feet of any lands included in the PUD. The notice shall be mailed or delivered personally to the respective addresses given in the last tax assessment roll, not less than ten days prior to the date of the advisory public hearing.

**E. Phase II Preliminary Development Plan.**

- 1. After receiving the recommendations of the Planning Commission on the Phase I preliminary development plan, the applicant for PUD rezoning shall submit a revised plan to the Township office in accordance with the requirements for Phase II preliminary plan review as contained below. Copies of the plan shall be forwarded to the Planning Commission. Reports may be prepared by the Zoning Administrator, Township planner or engineer.
- 2. The Phase II preliminary development plan shall contain all of the information required below unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD:
  - a. All of the drawings, narrative, studies, assessments, and other information, and materials comprising the Phase I preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the Phase II development plan shall indicate such fact

and shall state the basis or grounds upon which such recommendations have not been included.

- b. Location of existing and proposed water and sewer lines.
- c. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
- d. A schedule of development and projected staging.
- e. Additional information which the Planning Commission may request which is reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general.

F. **Public Hearing on Phase II Preliminary Development Plan and Rezoning.** The Township Board shall hold a public hearing prior to its consideration of the Phase II preliminary development plan and rezoning. The Planning Commission may, if it chooses to do so, also hold a public hearing. Notice of the public hearing shall be provided as specified in Section 18.10 of this Ordinance, as to both the public hearing conducted by the Township Board and as to any advisory hearing conducted by the Planning Commission.

G. **Consideration of Phase II Preliminary Development Plan.** Following the public hearing, the Planning Commission shall recommend either approval, denial, or approval with conditions the PUD rezoning request and Phase II preliminary development plan and make its recommendation to the Township Board.

H. **Standards of Approval.** In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent, purpose, and objectives of the PUD District and the following standards:

- 1. Granting of the planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
- 2. In relation to the existing zoning of the subject or surrounding lands, the proposed type and density of use shall not result in a undue burden in need for public services, facilities and utilities.
- 3. The proposed development shall be compatible with the master plan of the Township and shall be consistent with the intent and spirit of this chapter.
- 4. The planned unit development shall not substantially change the essential character of the surrounding area.
- 5. The PUD will not result in significant adverse effects upon nearby or adjacent lands.

6. Protects all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as approved for essential services or recreation amenities.
7. Preserves and maintains mature woodlands, fields, pastures, meadows, orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
8. Designs around existing hedgerows and tree lines between fields or meadows, and minimize impacts on woodlands.
9. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road right-of-ways.
10. Avoids new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
11. Protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that front directly on to existing roadways.
12. Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
13. The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.

I. **Final Consideration of PUD Rezoning and Site Plan by Township Board.** The Township Board shall conduct a public hearing in accordance with Section 13.08.F prior to consideration of a PUD development plan. The Board shall then review the PUD development plan and rezoning and the recommendations submitted by the Planning Commission. The Township Board shall determine whether the PUD development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township.

J. **Conditions of Approval.** The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed project under consideration, residents, and land owners immediately adjacent to the proposed project, and the community as a whole.
2. They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
3. They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the ordinance for the proposed PUD under consideration, and be necessary to insure compliance with those standards.
4. The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the applicant and the Township Board.

**SECTION 13.09 AMENDMENTS TO APPROVED PUD.**

- A. **Consent Required for Amendments.** An approved final PUD plan and any conditions imposed upon final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.
- B. **Minor Amendments.** A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings and/or signs by no more than ten feet.
3. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
4. Changes of building materials to a higher quality.
5. Changes in floor plans which do not alter the character of the use.
6. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
7. Changes required or requested by the Township for safety reasons.
8. Changes which will preserve the natural features of the site without changing the basic site layout.

9. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
10. The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

C. **Amendment Procedure.** Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

#### **SECTION 13.10 PERFORMANCE GUARANTEES.**

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the OS-PUD and construction and placement of all of the improvements therein.

In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

#### **SECTION 13.11 TIME LIMITATIONS ON DEVELOPMENT.**

Each OS-PUD shall be under construction within one year after the date of approval of the final PUD plan and adoption of a Zoning Ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the OS-PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the OS-PUD.

If the OS-PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the OS-PUD or any part thereof shall be of no further effect, at the conclusion of said period of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

**CHAPTER 13A  
OPEN SPACE PRESERVATION**

**SECTION 13A.01 PURPOSE.**

Act No. 177 of the Public Acts of Michigan of 2001 (“Act 177”) requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential development must adopt provisions in their Zoning Ordinances known as “open space preservation” provisions, which permit land satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the Zoning Ordinance, but not more than 50 percent, that, as determined by the Township, could otherwise be developed, under existing ordinances, laws and rules, on the entire land area. The purpose of this chapter is to adopt open space preservation provisions consistent with the requirements of Act 177.

**SECTION 13A.02 QUALIFYING CONDITIONS.**

- A. Land may be developed under the provisions of this chapter only if each of the following conditions is satisfied:
1. The land shall be zoned in the AR, R-1 or R-2 Zoning District, or other zoning district permitting residential development, but specifically excluding the MHC and IC Districts. (Amended February 9, 2016)
  2. The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or shall permit development at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system.
  3. The development of land under this chapter shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this chapter would also depend on such extension. Section 3.08.H shall apply in evaluating this condition. (Amended 3/12/2019; effective 8/8/2019)
  4. The clustering option provided pursuant to this chapter shall not have previously been exercised with respect to the same land.
- B. If all of the preceding conditions are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions of this chapter.

**SECTION 13A.03 PERMITTED USES.**

Only those land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this chapter.

#### **SECTION 13A.04 APPLICATION AND REVIEW PROCEDURE.**

- A. The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this chapter shall be those stated in Chapter 14 of this Ordinance, governing site plans, except as otherwise provided in this section. If the cluster option permitted by this chapter is proposed as a platted subdivision or a site condominium development, the applicant must also submit all information required under the Township Subdivision Control Ordinance or Section 3.29 of this Ordinance, as applicable.
  
- B. In addition to the application materials required by Chapter 14 of this Ordinance, an application for the development of land under the provisions of this chapter shall include the following:
  - 1. An existing zoning plan prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the clustering option provided by this chapter were not exercised. The existing zoning plan may be conceptual in nature but shall include at least the following information:
    - a. Date, north arrow and scale, which shall not be more than 1"=100', and, in all cases, the scale shall be the same as that utilized for the site plan illustrating the proposed development using the clustering option permitted by this chapter.
    - b. Location of streets and driveways.
    - c. Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
    - d. Location of all utilities that would be necessary to serve a development under the existing zoning plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
    - e. If development under the existing zoning plan would require the use of septic tanks and drain fields, the existing zoning plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Kent County Health Department.
    - f. The existing zoning plan shall illustrate all unbuildable land, which shall include all slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, flood plains, and other similar features

which limit or prevent construction of buildings or roads. Each lot shown on the existing zoning plan shall contain at least 15,000 square feet of buildable area.

2. A copy of the conservation easement, plat dedication, restrictive covenant, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this chapter in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this chapter. The legal instrument shall:
  - a. Indicate the proposed permitted use(s) of the undeveloped open space.
  - b. Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Planning Commission.
  - c. Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
  - d. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
3. The site plan for the clustering option permitted by this chapter shall include the following minimum information, in addition to that required by Chapter 14 of this Ordinance:
  - a. Date, north arrow and scale which shall not be more than 1"=100', and, in all cases, the scale shall be the same as that utilized for the existing zoning plan.
  - b. The site plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
  - c. The site plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for clustered development, and the percentage of each, as compared to the total site acreage.
  - d. The site plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed dwelling lots on the site plan shall not exceed the number of lots on the existing zoning plan, as approved by the Planning Commission,



and reduced to accommodate non-dwelling structures, if necessary, as described in Section 13A.05.K.

- e. The site plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
  - f. If the clustered development will include septic tanks and drain fields, the site plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Kent County Health Department.
  - g. If the clustered development will include public or community water supply and/or sewer supply systems, the applicant shall submit proof that the proposed systems have been approved by the Michigan Department of Environmental Quality. (Added 3/12/2019; effective 8/8/2019)
4. If the development is to be served by public streets, proof that the Kent County Road Commission has approved the design, layout and construction of the streets.
- C. **Determination of Number of Lots by Planning Commission.** When reviewing an application submitted under the terms of this chapter, the Planning Commission shall determine whether the existing zoning plan accurately reflects the number of dwelling units that could be developed on the land under its existing zoning if the clustering option provided by this chapter were not exercised. If the Planning Commission determines that the number of dwellings illustrated on the existing zoning plan exceeds the number of dwellings that could be permitted on the land if it were developed under its existing zoning, if the clustering option provided by this chapter were not exercised, the applicant shall submit a revised site plan for the clustering option reflecting the permitted number of dwellings, as determined by the Planning Commission.
- D. If a site plan satisfies all requirements of Section 14.08 of this Ordinance, all requirements of this chapter and all conditions of approval imposed by the Planning Commission pursuant to Section 14.09 of this Ordinance, the Planning Commission shall approve the site plan. If the cluster option permitted by this chapter is proposed as a platted subdivision or a site condominium development, the applicant shall also demonstrate compliance with all requirements of the Township Subdivision Control Ordinance or Section 3.29 of this Ordinance, as applicable, before the Planning Commission may approve the development.

#### **SECTION 13A.05 DEVELOPMENT REQUIREMENTS.**

- A. **Required Open Space.** At least 50 percent, but no more than 60 percent of the land proposed for development under the provisions of this chapter shall remain in a perpetually undeveloped state (i.e., “open space”) by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township attorney. The following areas shall not constitute open space:

1. The area within all public street rights-of-way.
2. The area within all private street easements.
3. Any easement for overhead utility lines, unless adjacent to open space.
4. The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
5. Off-street parking and/or loading areas.
6. Detention and retention ponds.
7. Community drain fields.
8. Fifty percent of the area of wetlands, creeks, streams, ponds, lakes or other bodies of water.
9. Fifty percent of the area of flood plains and steep slopes (20 percent or over).

**B. Standards for Open Space.** The following standards shall apply to the open space required pursuant to this chapter:

1. The open space shall not include a golf course.
2. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
3. The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
4. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water. Access to and the use of any such body of water shall be subject to conditions imposed by the Planning Commission.
5. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help reduce the view of houses on the land from the adjacent roadway and to preserve the rural view.
6. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.

7. Open space shall be located so as to be reasonably accessible to the residents of the clustered development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
  8. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land. If these type of land features are not present on the land, then the open space shall be centrally located, along the road frontage.
  9. Where applicable and feasible, open space shall be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- C. **Use of Open Space.** All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, in its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.
- D. **Compliance With Zoning District.** The development of land under this chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback and yard size requirements that must be adjusted to allow the clustering option permitted under this chapter.
- E. **Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
- F. **Building Envelopes.** The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
- G. **Required Frontage.** Each lot shall have a minimum of 50 feet of frontage measured at the street right-of-way line. (Amended 3/12/2019; effective 8/8/2019)
- H. **Lot Width.** Each lot shall have a minimum width equal to no less than the minimum lot width specified for the zoning district in which the land is located, unless otherwise approved by the Planning Commission. (Amended 3/12/2019; effective 8/8/2019)
- I. **Maximum Number of Lots.** The clustered portion of the development shall contain no more than the maximum number of dwelling lots, as determined from the existing zoning plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection K.

- J. **Non-Dwelling Unit Structures.** Lots containing non-dwelling structures such as a clubhouse and its related amenities or an accessory building, shall be subject to all requirements of this chapter applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. However, the Planning Commission may, in its discretion, permit the enlargement of a lot containing a non-dwelling structure so as to reasonably accommodate it.
- K. **Reduction in Lots for Non-Dwelling Structures.** If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted in the clustered portion of the land shall be reduced as follows:
1. The area of a lot or lots occupied by non-dwelling structures, shall be calculated and then divided by the average area of a dwelling lot that could be situated in the clustered development if the non-dwelling structures were not included in the clustered development, as determined from the approved existing zoning plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
  2. The number calculated under subsection 1 shall be subtracted from the number of dwelling lots that could be permitted in the clustered development in the absence of the non-dwelling structures, as determined from the approved existing zoning plan, in order to determine the maximum number of dwelling lots permitted to be included in the clustered portion of the development with the non-dwelling structures included.
- L. **Perimeter Lots.** Notwithstanding any other provision of this chapter, the Planning Commission may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- M. **Sidewalks.** The Planning Commission may require sidewalks in accordance with the Township's Subdivision Control Ordinance.
- N. **Grading.** Grading within the clustered development shall comply with the following requirements:
1. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.
  2. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.

3. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.
- O. **Private Streets.** Private streets within a clustered development shall conform to the private street requirements of this Ordinance. The Planning Commission may, however, modify the requirements for private streets and in doing so, shall consider the following criteria:
1. Number and type of dwelling units served by the private street.
  2. Traffic generation.
  3. Existing topography and vegetation.
  4. Security provisions.
  5. Inter-relationship with the public street network.
  6. Future installation of public utilities.
  7. Likelihood of public dedication of the roadway.
- P. **Other Laws.** The development of land under this chapter is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

**SECTION 13A.06 AMENDMENTS TO AN APPROVED SITE PLAN.**

- A. An approved clustered site plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change.
- B. A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially alter the basic design or conditions required for the plan by the Commission.

The following items shall be considered minor changes:

1. Reduction of the size of any building, building envelope or sign.
2. An increase in the size of any building by up to 5 percent of its total floor area.
3. Movement of buildings or signs by no more than ten feet.

4. Replacement of plantings specified in the landscape plan with comparable materials of an equal or greater size.
  5. Changes in building materials to comparable or higher quality.
  6. Change in floor plans which do not alter the character of the use.
  7. Changes requested by the Township, the Kent County Road Commission, or other county, state or federal regulatory agency for safety reasons or to comply with other applicable laws and regulations.
  8. Changes which will preserve natural features of the land without changing the basic site layout.
  9. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site development plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on the development or on adjacent or nearby lands or the public health, safety and welfare.
- C. The Zoning Administrator may refer any decision regarding any proposed change in an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the chairperson of the Planning Commission.
- D. Should the Zoning Administrator determine that a requested change in the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required, and the consideration thereof shall take place in the same manner as for an original application.

#### **SECTION 13A.07 PERFORMANCE GUARANTEES.**

The Planning Commission, in its discretion, may require reasonable performance guarantees or assurance deemed satisfactory in the circumstances and authorized by law. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved clustered site plan, including any conditions thereto, and construction and placement of all the improvements required thereby.

In its discretion, the Planning Commission may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission.

**SECTION 13A.08 TIME LIMITATIONS ON DEVELOPMENT.**

Each development permitted pursuant to this chapter shall be under construction within one year after the date of approval of the site plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.

If the clustered development has not been commenced within the above-stated time period, or within any authorized extension thereof, any building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this chapter in order to exercise the clustering option.

**SECTION 13A.09 DEFINITIONS.**

Words and phrases used in this chapter, if defined in Act 177, shall have the same meaning as provided in the Act.

**CHAPTER 13B  
SITE CONDOMINIUM**

**(Amended August 2006)**

**SECTION 13B.01 PURPOSE.**

Site condominiums are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominiums may also include general common elements consisting of common open space, recreational areas, streets, and other areas and amenities available for use by all owners of condominium units within the development.

This chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium plans to ensure that site condominiums comply with this Ordinance and other applicable Township ordinances.

**SECTION 13B.02 DEFINITIONS.**

For purposes of this chapter, the following words and phrases are defined as follows:

- A. "Building envelope" means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.
- B. "Building site" means either:
  - 1. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
  - 2. The area within the condominium unit, taken together with any contiguous and appurtenant limited common element. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) or with other applicable laws, ordinance or regulations, a "building site" shall be considered to be the equivalent of a "lot."
- C. "Condominium Act" means Public Act 59 of 1978, as amended.



- D. “Limited common element” means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium development for the exclusive use of the owner of the site condominium unit.
- E. “Site condominium development” means a plan or development consisting of not less than two site condominium units established in compliance with the Condominium Act.
- F. “Site condominium development plan” means the plans, drawings and information prepared for a site condominium development as required by Section 66 of the Condominium Act and as required by this chapter for review of the development by the Planning Commission and the Township Board.
- G. “Site condominium unit” means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
- H. Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meaning given to them in the Condominium Act: “common elements;” “condominium documents;” “condominium unit;” “contractible condominium;” “convertible area;” “expandable condominium;” “general common elements;” and “master deed.”

**SECTION 13B.03 REVIEW OF PRELIMINARY DEVELOPMENT PLAN BY THE PLANNING COMMISSION.**

- A. **Preliminary Site Condominium Development Plan Review.** Prior to final review and approval of a site condominium development plan by the Township Board, a preliminary site condominium development plan shall be reviewed by the Planning Commission. If the preliminary site condominium development plan meets the requirements of this Ordinance and all other applicable local, county, state and federal regulations, the Planning Commission shall recommend preliminary plan approval. The Planning Commission shall then forward one copy of the preliminary plan along with a notation indicating its recommendation for preliminary plan approval and any other recommendations to the Township Board.

If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:

1. Recommend denial of the preliminary site condominium development plan, setting forth the reasons in writing, or
2. Recommend granting approval of the preliminary plan contingent upon completion of such revisions as may be noted or upon such conditions as the Planning Commission may impose.

B. **Preliminary Site Condominium Development Plan.** Application for review and approval of a site condominium development plan shall be initiated by the submission to the Township Clerk of the following:

1. A preliminary site condominium development plan containing all of the information required for a preliminary site plan under Section 14.03 of this Ordinance.
2. An application fee in accordance with the fee schedule established by resolution of the Township Board.

C. **Standards of Review.** The Planning Commission shall review the preliminary site condominium development plan to ensure compliance with the Zoning Ordinance and any other applicable federal, state or local laws or ordinances. In addition, the following standards and requirements shall apply:

1. In its review of a site condominium development plan, the Planning Commission may consult with the Zoning Administrator, Township attorney, Township engineer, Township fire chief, Township planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development layout and design, or other aspects of the proposed development.
2. The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height.
3. If a site condominium development is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the Kent County Road Commission. All private streets in a site condominium development shall be developed as required by Section 3.26 of the Zoning Ordinance.
4. If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Kent County Department of Health and the Township in accordance with applicable standards.
5. The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Kent County Health Department, Kent County Road Commission, Kent County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Public Health and other appropriate state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium development.

**SECTION 13B.04 PLANNING COMMISSION RECOMMENDATION.**

After reviewing the preliminary site condominium development plan, the Planning Commission shall prepare a written recommendation to deny, approve or approve with conditions, the proposed site condominium development. The Planning Commission may include any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

**SECTION 13B.05 REVIEW AND APPROVAL OF FINAL SITE CONDOMINIUM DEVELOPMENT PLAN BY TOWNSHIP BOARD.**

- A. After receiving the Planning Commission's recommendations on the preliminary site condominium development plan, the applicant shall submit to the Township Clerk 12 copies of a final site condominium development plan which complies with the requirements of this section and contains the information for a final site plan as set forth in Section 14.03.B of this Ordinance. The Township Clerk shall, upon receipt of a complete final site condominium development plan, forward copies of the final plan to the Township Board.
- B. The final site condominium development plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated.

Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission prior to approval of the plan by the Township Board.

- C. After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the final site condominium development plan in accordance with the standards and requirements provided in Section 14.08 of this Ordinance and other applicable requirements of this Ordinance and other Township ordinances.
- D. As a condition of approval of a final site condominium development plan, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium development for which approval is sought shall be deposited with the Township as provided by Section 16f of the Zoning Act.

**SECTION 13B.06 CONTENTS OF SITE CONDOMINIUM PROJECT PLANS.**

A condominium development plan shall include the documents and information required by Sections 13B.03 and 13B.05 of this Ordinance and shall also include the following:

1. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
2. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities and such other information as may be required by the Township's Storm Water Control Ordinance.
3. A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
4. A narrative describing the overall objectives of the proposed site condominium development.
5. A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
6. A street construction, paving and maintenance plan for all private streets within the proposed condominium development.

**SECTION 13B.07 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM DEVELOPMENT PLAN.**

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium development except in compliance with a final site condominium development plan as approved by the Township Board, including any conditions of approval.

**SECTION 13B.08 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS.**

No building permit shall be issued, and no public sanitary sewer or public water service shall be provided for any dwelling or other structure located on a parcel established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium development may be occupied or used until all required improvements have been completed and all necessary utilities installed.

**SECTION 13B.09 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS.**

Approval of a final site condominium development plan shall not constitute approval of expandable or convertible portions of a site condominium development unless the expandable or

convertible areas were specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

**SECTION 13B.10 CHANGES IN THE APPROVED SITE CONDOMINIUM DEVELOPMENT PLAN.**

- A. The holder of an approved site condominium development plan shall notify the Zoning Administrator of any proposed change to the approved plan.
  
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor will it alter any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. A decrease in the number of site condominium units.
  - 2. A reduction in the area of the building site for any site condominium unit
  - 3. A reduction of less than 10 percent in the total combined area of the general common elements of the site condominium.
  - 4. A reduction in the total combined area of all limited common elements of the site condominium.
  - 5. Other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.

Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Planning Commission, at a public meeting.

- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site condominium development plan amendment and shall be reviewed in the same manner as the original application. Certain changes, such as a change in the name of the development, a change in the name of the streets within the development, a change of the name of the developer, a change of the voting rights of co-owners or mortgagees or other changes which, as determined by the Zoning Administrator, do not change the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under the Zoning Ordinance, are exempt from review by the Township.

**SECTION 13B.11 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED.**

All provisions of a final site condominium development plan which are approved by the Township Board as provided by this chapter shall be incorporated by reference in the master

deed for the site condominium project. The master deed and condominium documents shall be approved by the Township attorney prior to recording. A copy of the master deed as recorded with the Kent County Register of Deeds shall be provided to the Township promptly after recording.

**SECTION 13B.12 COMMENCEMENT OF CONSTRUCTION.**

Construction of an approved site condominium development shall commence within two years after such approval and be diligently pursued to completion in accordance with the terms and conditions of the approval. Such two-year period may be extended by the Township Board in its discretion, for additional periods of time as determined appropriate by the Board. Any such extension shall be applied for by the applicant within such two-year period.

**CHAPTER 14  
SITE PLAN REVIEW**

**SECTION 14.01      PURPOSE.**

The purpose of this chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish planned objectives in the utilization of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development may be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and general vicinity.

**SECTION 14.02      LAND USES REQUIRING SITE PLAN REVIEW.**

- A. Site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:
1. Any land use in the AR, R-1, R-2 or R-3, except single family and two family detached dwellings and buildings or structures accessory thereto.
  2. Any land use in the NC, HC, IC, IND or OS-PUD Districts. (Amended February 9, 2016)
  3. All special land uses, site condominium projects, condominium projects and planned unit developments.
  4. Other land uses which, under the terms of this Ordinance, are subject to site plan review.
  5. A change in land use, whether such change is in whole or in part, where the new, revised or augmented land use is subject to site plan review under the terms of this chapter or elsewhere in this Ordinance (whether or not site plan approval was given for any part of the existing land use), excepting, however, a change in the existing land use that qualifies as a minor change under Section 14.07.B in or with respect to any of the following:
    - a. The principal building(s) or other principal structure(s).
    - b. The means or location of vehicle access to the land.
    - c. An increase or decrease in the area of the land.
    - d. The addition of a building or structure.
    - e. The addition of one or more land uses, including the addition of an additional business or commercial use.

- f. A change in the principal building or principal structure, including a change in the area, height, façade or other significant aspect thereof.
  - g. An increase or reduction in the size or configuration of off-street parking areas.
  - h. A change in, addition to or reduction in outdoor lighting fixtures, devices or equipment.
  - i. Any other change in the existing land use that qualifies as a minor change under the terms of Section 14.07.B.
- B. Site plan review is not required for commercial farms, farm buildings and farm structures which are subject to the Michigan Right to Farm Act and are operated in accordance with the generally accepted agricultural management practices (“GAAMPs”) promulgated under that Act.

**SECTION 14.03 SITE PLAN REVIEW REQUIREMENTS.**

**A. Preliminary Site Plan Review.**

- 1. If desired by the applicant, ten copies of a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
- 2. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator.
  - a. Small scale sketch of properties, streets and use of land within one-half mile of the area, including the zoning or surrounding property.
  - b. Ten copies of a site plan at a scale not to exceed 1”=100’. The following items shall be shown on the plan:
    - (1) Existing adjacent streets and proposed streets.
    - (2) Lot lines and approximate dimensions.
    - (3) Parking lots and access points.
    - (4) Proposed buffer strips or screening.
    - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.



- (6) Location of any signs not attached to the building.
  - (7) Existing and proposed buildings.
  - (8) General topographical features including contour intervals no greater than ten feet.
  - (9) All buildings and driveways within 100 feet of all property lines.
- c. A narrative (shown on the site plan or submitted separately) describing in general terms:
- (1) The overall objectives of the proposed development.
  - (2) Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
  - (3) Dwelling unit densities by type, if applicable.
  - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
  - (5) Proposed method of providing storm drainage.
3. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this article. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.
- B. Final Site Plan Review.** If desired by the applicant, ten copies of a final site plan prepared by a registered professional competent in such matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the Zoning Administrator:
- 1. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property under three acres and at least 1"=100' for those three acres or more.
  - 2. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan, unless waived by the Planning Commission.
  - 3. The name and address of the property owner or petitioner.
  - 4. A location sketch.
  - 5. Legal description of the subject property.

6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
7. Property lines and required setbacks shown and dimensioned.
8. The location of all existing structures, driveways, and parking areas within 100 feet of the subject property's boundary.
9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number and location of parking spaces to be provided), and off-street loading and unloading areas. (Amended March 13, 2007)
11. The location, pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property.
12. The existing zoning and use of all properties abutting the subject property.
13. The location of all existing vegetation and a landscaping plan showing the location, type and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls and the materials to be used in constructing such fences and walls. (Amended March 13, 2007)
14. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
15. The location and size of all surface water drainage facilities.
16. Existing and proposed topographic contours at a minimum of five-foot intervals.
17. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

#### **SECTION 14.04 APPLICATION AND REVIEW.**

- A. Completed site plans, a completed application form, and the required application fee shall be submitted to the Zoning Administrator, by the petitioner or the petitioner's agent, at least 30 days prior to the Planning Commission meeting at which the site plan is expected to be reviewed. The Zoning Administrator shall cause the site plan and the other relevant materials, when complete, to be placed on the agenda of the next Planning Commission meeting at which the matter can be considered by the Commission. (Amended December 12, 2000)

- B. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the provisions of this chapter and the purpose of this Ordinance.
- C. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes.
- D. Three copies of the final approved site plan shall be signed and dated by the secretary of the Planning Commission and the applicant. One of these approved copies shall be kept on file by the Township Clerk, one shall be kept on file by the Zoning Administrator, and one shall be returned to the petitioner or his designated representative.
- E. Each development shall be under construction within one year after the date of approval of the site plan, except as noted below.
  - 1. The Planning Commission may grant one six-month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - 3. If neither of the above provisions are fulfilled or the six-month extension has expired prior to construction, the site plan approval shall be null and void.

**SECTION 14.05 PLAT REQUIREMENTS.**

In those instances in which Act 288, Public Acts of 1967, as amended, the Subdivision Control Act, is involved, the owner shall, after site plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved site plan.

**SECTION 14.06 ADMINISTRATIVE FEES.**

Any site plan application shall be accompanied by a fee, in an amount to be established by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this chapter and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. No part of such fee shall be returnable.

**SECTION 14.07 CHANGES IN THE APPROVED SITE PLAN.**

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. Change in the building size, up to 5 percent in total floor area.
  - 2. Movement of buildings or other structures by no more than ten feet.
  - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  - 4. Changes in building materials to a comparable or higher quality.
  - 5. Changes in floor plans which do not alter the character of the use.
  - 6. Changes required or requested by the Township, the Kent County Road Commission, or other county, state, or federal regulatory agency in order to conform to other laws or regulations.
  - 7. Changes required or requested by the Township for safety reasons.
  - 8. Internal rearrangement of a parking area which does not affect the number of parking spaces or alter access locations or design.
  - 9. Changes which will preserve the natural features of the site without changing the basic site layout.
  - 10. Moving of ingress and egress drives a distance of not more than 100 feet if required by the County Road Commission.
  - 11. Changing to an equally restricted or more restricted use, provided there is no reduction in the amount of off-street parking.
  - 12. Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest. As to such similar changes, or any minor change which is submitted to the Zoning Administrator for approval, the Zoning Administrator may refer such request for a change to the Planning Commission for a decision, regardless of whether the proposed change qualifies or does not qualify as a minor change, in which case the Planning Commission shall make the decision on the requested change.

- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

**SECTION 14.08 REVIEW STANDARDS.**

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Solon Township.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- F. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
- H. All streets and driveways shall be developed in accordance with the Township Subdivision Control Ordinance, the Kent County Road Commission, or Michigan

Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.

- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
- K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
- M. Site plans shall conform to all applicable requirements of county, state, federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary county, state, federal, and Township permits before final site plan approval or an occupancy permit is granted.
- N. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
- O. The general purposes and spirit of this Ordinance and the master plan of Solon Township shall be maintained.

**SECTION 14.09      CONDITIONS OF APPROVAL.**

- A.     As part of an approval to any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- B.     Such conditions shall be related to and ensure that the review standards of this chapter are met.
- C.     Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D.     A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- E.     A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- F.     The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

**SECTION 14.10      APPEAL.**

If any person shall be aggrieved by the action of the Planning Commission, appeal in writing to the Township Board of Appeals may be taken within five days after the date of such action. The Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After such hearing, the Board of Appeals shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

**CHAPTER 15**  
**OFF-STREET PARKING AND LOADING AND SIGNS**

**SECTION 15.01 SCOPE.**

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

**SECTION 15.02 LOCATION OF PARKING.**

The off-street parking required by this chapter shall be provided in accordance with the following requirements.

- A. **One and Two Family Dwellings.** The off-street parking facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this chapter. In no event shall any uncovered parking space in an R-2 District be located nearer than ten feet to any main building.
- B. **Multiple Dwellings.** The off-street parking facilities for multiple family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this chapter. In no event shall any uncovered parking space in an R-2 District be located nearer than ten feet to any main building.
- C. **Manufactured Home Communities.** Off-street parking required on manufactured home sites and for visitor off-street parking areas in manufactured housing communities, shall be as stated in Section 12.05 of this Ordinance; provided, however, that as to those aspects of such off-street parking for manufactured home sites and for visitor off-street parking areas that are not specified in Section 12.05, the applicable provisions of this chapter shall apply. (Amended November 28, 2002)
- D. **Other Land Uses.** The off-street parking required may be located on each site or in parking lots within 300 feet of and readily accessible to each site.

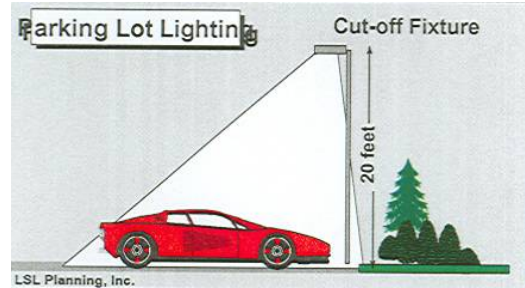
**SECTION 15.03 PARKING LOT REQUIREMENTS.**

- A. All parking facilities, access driveways, and commercial storage areas (excluding those for single and two family dwellings outside manufactured home parks) shall be hard surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a certificate of occupancy being issued.



B. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.

C. All illumination for all parking lots in the commercial districts shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day. The source of illumination in all parking lots abutting a residential district or use shall not be higher than 15 feet above the parking lot surface.



D. When a required nonresidential parking lot is situated on a parcel which adjoins a residential district, abutting directly or across a roadway, the respective side or rear yard in which said parking is located shall contain a minimum setback of 20 feet excluding any parking or drives, unless a greater setback is required by any other provision of this Ordinance.

E. Required nonresidential parking lots abutting a residential district or use shall be effectively screened from neighboring residential districts and uses by a decorative fence or wall, or a landscaped equivalent.

F. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways.

G. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines. Such devices shall be securely anchored into the parking lot to ensure that they remain stationary.

H. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations. The minimum parking space dimensions for a layout not provided for in the regulations shall be ten feet in width, 20 feet in length, and 200 square feet in area.

PARKING PATTERN	AISLE WIDTH		PARKING SPACE		TOTAL WIDTH 2 TIERS OF SPACES + MANEUVERING LANE	
	TWO-WAY	ONE-WAY	WIDTH <sup>1</sup>	LENGTH <sup>2</sup>	ONE-WAY	TWO-WAY
PARALLEL PARKING	18 FT.	12 FT.	9 FT.	25 FT.	30 FT.	36 FT.
30-75 DEGREE ANGLE	24 FT.	12 FT.	9 FT.	21 FT.	48 FT.	60 FT.
76-90 DEGREE ANGLE	24 FT.	15 FT.	9 FT.	20 FT.	55 FT.	64 FT.

<sup>1</sup>Measured perpendicular to the longitudinal space centerline.

<sup>2</sup>Measured along the longitudinal space centerline.

- I. On-site traffic circulation for all industrial and commercial parking lots shall be sufficient to assure that all delivery vehicles, trucks, semi-trailers and other large vehicles will have sufficient space to turn around within the off-street parking or driveway areas and will not be required to back onto the adjacent road or back into the property from such road.

**SECTION 15.04 PARKING LOT PLANS.**

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot and before a certificate of occupancy is issued. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than 1"=50' and indicating existing and proposed grades, drainage, pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work and shall conform to the provisions of Section 15.03.

**SECTION 15.05 PARKING RESTRICTIONS.**

- A. In any district, it shall be unlawful to use required off-street parking areas for the storage or parking of vehicles in excess of 24 hours, except as may be permitted for a commercial use.
- B. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.
- C. After the effective date of this Ordinance it shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any lot in a residential district to permit or allow the open storage or parking, either day or night, thereon of trucks (over one ton), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar

equipment or machinery used for commercial purposes for a period exceeding 48 hours. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and equipment necessary to be parking overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.

- D. No vehicle parking, storage or display shall be permitted within any road right-of-way. No vehicle parking shall be permitted adjacent to any commercial property on 17 Mile Road, or on any other street or roadway within the Township at a location where the maximum speed limit is 35 miles per hour or greater. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

**SECTION 15.06 TABLE OF OFF-STREET PARKING REQUIREMENTS.**

USE	PARKING SPACE PER UNIT OF MEASUREMENT AS FOLLOWS:	
<b>RESIDENTIAL</b>		
Single and Two Family	2	Dwelling Unit
Multiple family		
Manufactured Housing Communities	2 on each manufactured home site plus 1 off-street parking space for each 3 manufactured home sites	

USE	PARKING SPACE PER UNIT OF MEASUREMENT AS FOLLOWS:	
<b>INSTITUTIONAL</b>		
Child care center, day nurseries, or nursery schools	1	four persons based on licensed capacity, plus
	6	off-street queuing spaces
Churches	1	three seats based on maximum seating capacity in the main place of assembly therein.
Convalescent homes, nursing homes, children’s homes	1	two beds
Elementary and junior high schools	1	classroom, plus amount required for auditorium or assembly hall therein
Golf courses open to the general public	60	nine holes, plus amount required for accessory uses
High Schools, Colleges and trade schools	1	classroom, plus
		each eight students, based on maximum occupancy load established by local, county, state, fire, health, or building codes, plus requirements of the auditorium or assembly hall therein
Hospitals	2	each bed
Libraries and museums	1	each 400 square feet UFA
Private clubs and lodges	1	each three individual members allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes
Private tennis club, swim club, golf club or other similar uses	1	two member families or individuals, plus amount required for accessory uses
Senior independent living units	2	living unit
Senior “interim care” units, homes for the aged, retirement community housing, etc.	1	bed

Stadiums and sports arenas	1	four seats or eight feet of bench
Theaters, auditoriums, and assembly halls	2	five seats based on maximum seating capacity in the main place of assembly therein

USE	PARKING SPACE PER UNIT OF MEASUREMENT AS FOLLOWS	
<b>COMMERCIAL</b>		
Animal hospitals and kennels	1	400 square feet GFA
Barber shops	2	barber
Beauty shops	3	beauty operator
Bed and breakfast	1	room rented, provided on site, plus
	2	for operator's dwelling unit
Bowling lanes	6	bowling lane plus amount required for accessory uses
Convenience stores	1	200 square feet UFA
Dance halls, exhibition halls, pool halls, billiard parlors, and assembly halls without fixed seats	1	two persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes
Furniture, appliances, household equipment repair shops, hardware stores, and other similar uses	1	800 square feet of GFA
Laundromats, coin operated dry cleaning establishment	1	washing or dry cleaning machine
Marinas	1½	boat slip, plus
	1	four boat storage spaces
Miniature or "Par 3" golf courses	3	hole plus amount required for accessory uses
Mortuary establishments, funeral homes, undertaking parlors	1	50 square feet of GFA
Motels, hotels, tourist homes	3	two guest bedrooms plus amount required for accessory uses
Open air businesses (not otherwise provided for herein)	1	800 square feet of lot area used for said business
Personal service establishment (not otherwise provided for herein)	1	300 square feet of UFA
Restaurants and other establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverages, or refreshments	1	two persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes OR
		70 square feet UFA (whichever is greater)

Restaurants (drive-in) or similar drive-in uses for the sale of food, beverages, or refreshments	1	75 square feet GFA
Retail stores except as otherwise specified herein	1	1 space for each 200 square feet of GFA
Roadside stands	6	establishment
Vehicle repair shops, collision or bump shops, and other similar uses	1	800 square feet GFA, plus
	3	stall or service area
Vehicle salesrooms, machinery sales and other similar uses	1	200 square feet UFA plus
		amount required for accessory uses
Vehicle service stations	3	service stall
	1	service vehicle, plus amount required for convenience store, car wash, or other applicable accessory use
Vehicle wash establishment	5	unit which represents the establishment's maximum capacity as computed by dividing the line dimension of the mechanical wash/dry operation by 20 feet
Wholesale stores	1	200 square feet of GFA

USE	PARKING SPACE UNIT OF MEASUREMENT AS FOLLOWS	
<b>OFFICES</b>		
Banks (drive-in)	4	drive-in window, plus requirement for bank
Banks (other than drive-in banks), post offices	1	200 square feet UFA, plus
Business and professional offices	1	300 square feet GFA
Medical clinic and dental clinic	3	examining room

USE	PARKING SPACE UNIT OF MEASUREMENT AS FOLLOWS	
<b>INDUSTRIAL</b>		
Industrial or manufacturing establishments, research establishments	1	2,000 square feet GFA, plus amount required for accessory uses, with a minimum of five spaces
Warehouses and storage buildings	1	2,000 square feet GFA, with a minimum of four spaces

**SECTION 15.07 MISCELLANEOUS OFF-STREET PARKING PROVISIONS.**

- A. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.
- B. When units or measurements determining number of required parking spaces result in requirement of a fractional space, the fraction shall be considered one required parking space.
- C. Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed, as determined by the Zoning Administrator.
- D. Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
- E. In hospitals, bassinets shall not be counted as beds.
- F. Where benches, pews, or other similar seating facilities are used as seats, each 20 inches of such seating facilities shall be counted as one seat.
- G. In the case of mixed uses in the same building, the total requirements for off-street parking and loading shall be the sum of the requirements for each individual use computed separately.
- H. Joint or collective provision of off-street parking for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.
- I. It shall be unlawful to use any of the off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.

**SECTION 15.08 OFF-STREET LOADING REQUIREMENTS.**

On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning, or others similarly involving the receipt or distribution of vehicles, material, or merchandise there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with street or parking areas.

- A. Such loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of ten feet by 50 feet, with 14-foot height clearance, and shall be provided according to the following schedule.

0-2,000	None
2,000-20,000	1 space

20,000-100,000	1 space plus 1 space for each 20,000 sq. ft. in excel of 20,000 sq. ft.
100,000-500,000	5 spaces plus 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000	15 spaces plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

- B. Off-street loading space areas shall not be construed as, or counted towards, the area required as off-street parking space area.

**SECTION 15.09 SIGNS – DESCRIPTION AND PURPOSE.**

These provisions are intended to regulate the size, number, location, and manner of display of signs in the Township, consistent with the following purposes:

- A. To protect the safety and welfare of Township residents; to conserve and enhance the character of the Township; and to promote the economic viability of commercial and other areas by minimizing visual clutter.
- B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.
- C. To promote uniformity in the size, number, and placement of signs within zoning districts.
- D. To promote the identification of establishments and premises in the Township.

**SECTION 15.10 SIGNS – DEFINITION.**

For the purposes of the provisions of this chapter related to signs, the following words and phrases are defined as follows:

- A. **Construction Sign.** A sign which identifies the owners, contractors, architects, and/or engineers of a building(s) or development project under construction.
- B. **Commercial Establishment.** A business operating independently of any other business located in a freestanding building; in a group of stores or similar establishments that are located side-by-side in a single building, sometimes call a strip mall, a commercial establishment is a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress to and egress from that business; in an enclosed structure, with a shared climate-controlled area, a commercial establishment is a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress to and egress from that business and which may be closed to the public even while a common area may remain open to the public; in an office building, a commercial establishment is a building holding itself out to the public as a single entity, independent of other businesses or persons.



- C. **Community Special Event Sign.** A portable sign erected for a limited time for the purpose of calling attention to special events of interest to the general public and which are sponsored by governmental agencies, schools, or other non-profit groups whose purpose is of a public, charitable, philanthropic, religious or benevolent nature.
- D. **Directional Sign.** A sign which gives directions, instruction, or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit signs.
- E. **Freestanding Sign.** A sign not attached to a building or wall and which is supported by one or more poles or braces or which rests on the ground or on a foundation that rests of the ground.
- F. **Governmental Sign.** A sign erected or required to be erected by the Township, the County of Kent, or by the state or federal government.
- G. **Memorial Sign.** A sign, tablet, or plaque memorializing a person, event, structure, or site.
- H. **Political Sign.** A sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions.
- I. **Real Estate Sign.** A sign advertising the real estate upon which the sign is located as being available for sale, rent, or lease.
- J. **Sign.** A device, structure, fixture, or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, commodity, or activity, or displaying or depicting other information.
- K. **Subdivision Identification Sign.** A sign identifying or otherwise stating the name of a platted subdivision, site condominium development, multifamily development, or other residential development.
- L. **Wall Sign.** A sign painted or attached directly to and parallel to the exterior wall of a building, extending not greater than 12 inches from the exterior face of the wall to which it is attached.

## **SECTION 15.11 SIGNS – GENERAL PROVISIONS.**

It shall be unlawful for any person to erect, place, maintain, or continue a sign upon any lands in the Township except in accordance with the provisions of this Ordinance.

## SECTION 15.12 SIGNS PROHIBITED.

The following types of signs are expressly prohibited:

- A. **Interfering Signs.** Any sign that interferes with the vision of persons traveling on adjacent streets or which shines onto adjacent property. No road paving light or flashing illumination shall be used on or in connection with any sign. Beacon lights and search lights shall not be permitted.
- B. **Flashing or Moving Signs.** Signs that revolve or are animated, or that use movement to attract attention shall be prohibited. The prohibition shall include commercial signs held by or worn by a person. No sign shall have blinking, flashing or fluttering lights or other illuminated devices such as changing light intensity, brightness or color. Electronic message boards or changeable copy signs in which the copy consists of an array of light, are permitted, provided that the frequency of message change is not less than two seconds. All lights in a display shall activate simultaneously, remain activated for not less than two seconds, and deactivate simultaneously; provided, however, sign copy may be refreshed by text that appears or disappears through travel, scroll, fade or dissolve transitions provided the visual impact is not to give the appearance of flashing, animation or other sudden movement likely to be unduly distracting to travelling motorists; and provided that each message on the sign, including the copy, must be displayed for a minimum of two seconds.
- C. **Signs on Vehicles.** Signs displayed on any vehicle or trailer when the subject vehicle or trailer is parked in such a manner that the obvious intent or effect is to attract attention to a business, service or commodity on the premises.
- D. **Sign Structure without a Sign.** Any sign, structure or frame no longer supporting or containing a sign shall be prohibited. The owner of the property where the sign is located shall, within 180 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
- E. **Non-anchored Signs.** Freestanding signs not permanently anchored or secured to either a building or the ground, except real estate, community special event and political signs. (Section 15.12 amended May 2014)

## SECTION 15.13 SIGNS EXEMPTED.

The following signs shall be exempt from the provisions of this chapter.

- A. Governmental signs.
- B. Signs for essential services.
- C. Historical markers.
- D. Memorial signs or tablets.

- E. Political signs. (Amended May 2014)
- F. Signs with an address and/or name of the owner or occupant, of not more than two square feet in area, attached to a mailbox, light fixture, or exterior wall.

**SECTION 15.14 MEASUREMENT OF SIGNS.**

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo and any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a free-standing, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except that if two such faces are placed back to back and are of equal size, the area of the two back to back faces shall be counted as one face. If the two back to back faces are of unequal size, the larger of the two sign faces shall be counted as one sign face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

**SECTION 15.15 SIGN APPLICATION AND PERMITS FOR COMMERCIAL OR INDUSTRIAL SIGNS.**

- A. A sign permit shall be required for the erection, use, construction or alteration of all commercial and industrial signs, except for those exempted by the terms of this chapter. For purposes of this section, alteration of a sign shall mean any substantial change therein, but shall not include normal maintenance or repair thereof.
- B. An application for a commercial or industrial sign permit shall be made to the Township Zoning Administrator, and shall include submission of such fee as may be required by resolution or other action by the Township Board. The application shall include the following:
  - 1. Name, address, and telephone number of the applicant and the person, firm, or corporation erecting the sign.
  - 2. Address or permanent parcel number of the property where the sign will be located.
  - 3. A sketch showing the location of the building, structure, or parcel of land upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures, together with the depth of setback from lot lines.

4. Two scaled blueprints or drawings of the plans and specifications for the sign and information on the method of construction and attachment to structures or the ground.
  5. Any required electrical permit.
  6. Identification of the zoning district in which the sign is to be located, together with any other information which the Zoning Administrator may require in order to determine compliance with this chapter.
- C. All signs requiring electrical service shall be reviewed for compliance with the Township electrical code.
- D. The Zoning Administrator shall issue a sign permit if all provisions of this chapter and other provisions of this Ordinance and other applicable Township ordinances are satisfied. A sign authorized by such a permit shall be installed or shall be under construction within six months of the date of issuance of the sign permit, or the permit shall expire. A new permit may be issued upon the filing of a new application and payment of the required fee.

**SECTION 15.16 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS.**

The following sign regulations are applicable to all districts:

- A. All signs shall be stationary and shall pertain only to the business or activity conducted on the premises, except for political signs and community special event signs.
- B. Real estate signs shall be removed within 30 days after completion of the sale or lease of the property.
- C. Reserved for future use. (Amended May 2014)
- D. No sign shall be placed in, or extend into, any public street right-of-way.
- E. Construction signs are permitted, subject to the following restrictions:
  1. Construction signs shall not be larger than 32 square feet and shall not exceed 12 feet in height.
  2. Construction signs shall not be erected until a building permit has been issued for the building or project which is the subject of the proposed sign and construction activity has begun.
  3. Construction signs shall be removed immediately upon issuance of any occupancy permit for the building or structure which is the subject of the construction sign.
- F. Community special event signs may be permitted for a period not to exceed 30 days.

- G. Directional signs shall not exceed six square feet in area per sign. Directional signs shall contain only those directional symbols or words necessary to allow them to function properly as directional signs. A directional sign may consist of colors or symbols, without text, where necessary to associate the sign with the entrance or exit with which it is associated. In the HC Highway Commercial District, the following provisions shall apply to directional signs: (Amended November 2001)
  - 1. One directional sign per driveway is permitted, provided that no more than two such directional signs are permitted for any one main building or main use.
  - 2. A directional sign shall be no larger than four square feet in area per sign, nor higher than three feet from the average grade at the base of the sign.
- H. No wall sign shall project above the building roof line.
- I. (Deleted May 2014)

**SECTION 15.17 NONCONFORMING SIGNS.**

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this chapter is deemed to be nonconforming.
- B. Nonconforming signs may not be expanded, enlarged, or extended, but they may be maintained and repaired so as to continue their useful life.
- C. A nonconforming sign may be diminished in size or dimension, or the copy on the sign may be amended or changed, without adversely affecting the status of the sign as a nonconforming sign.

**SECTION 15.18 SIGNS IN THE AR AGRICULTURAL RESIDENTIAL DISTRICT.**

In addition to signs permitted and as regulated in all districts, the following signs are permitted in the AR Agricultural Residential District:

- A. One nonilluminated subdivision identification sign per entrance road for each subdivision development, except that no two such signs per subdivision shall be located closer to each other than 1,320 feet. A subdivision identification sign shall not exceed 32 square feet in area and shall not be higher than eight feet.
- B. For permitted nonresidential uses, one freestanding sign not to exceed 16 square feet in sign area and placed a minimum of 15 feet from each side lot line. Such sign shall not be illuminated and shall not be higher than six feet.
- C. Not more than two signs per property, advertising the sale of produce grown on the premises, each sign not to exceed 16 square feet and a height not exceeding six feet.

**SECTION 15.19 SIGNS IN OTHER RESIDENTIAL DISTRICTS.**

In addition to signs permitted and as regulated in all districts, the following signs are permitted in the R-1, R-2, and R-3 Residential Districts:

- A. One nonilluminated subdivision identification sign per entrance road for each subdivision development, except that no two such signs per subdivision shall be located closer to each other than 1,320 feet. A subdivision identification sign shall not exceed 32 square feet in area and shall not be higher than eight feet, and shall be set back at least six feet from the street right-of-way.
- B. For permitted nonresidential uses, one freestanding sign not to exceed 16 square feet in sign area and placed a minimum of 15 feet from each side lot line. Such sign shall not be illuminated and shall not be higher than six feet; provided, however, that signs for home occupations shall be regulated by Section 3.22 of this Ordinance.
- C. Signs in manufactured housing communities shall be as stated in Section 12.05 of this Ordinance; provided, however, that as to aspects of such signs not specified in said section, the applicable provisions of Sections 15.12, 15.13, 15.14, 15.16 and 15.17 shall apply. (Amended November 28, 2002)

**SECTION 15.20 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

In addition to signs permitted and as regulated in all districts, the following signs are permitted in the NC Neighborhood Commercial District, the HC Highway Commercial District, and the IND Industrial District:

- A. **Freestanding Signs.** (Amended May 14, 1996)
  - 1. **In the NC Neighborhood Commercial District.** One freestanding sign for each lot or parcel of land, not to exceed 64 square feet in sign area and not to exceed 20 feet in height.
  - 2. **In the HC Highway Commercial District.** One freestanding sign for each lot or parcel of land, not to exceed 100 square feet in sign area and not to exceed 25 feet in height.
  - 3. **In the IND Industrial District.** One freestanding sign for each lot or parcel of land, not to exceed 64 square feet in sign area and not to exceed 20 feet in height.
- B. **Wall Signs in Commercial Districts.**
  - 1. Each commercial establishment shall be permitted to have one wall sign. For each commercial establishment on a corner lot, one wall sign per public or private street frontage is permitted.
    - a. A commercial establishment consisting of a business operating independently of any other business and located in a freestanding building

shall be permitted a wall sign area not to exceed one square foot of sign for each lineal foot of street frontage of such freestanding building, except that commercial establishments with more than 100 feet of freestanding building frontage shall be permitted a wall sign area not to exceed one square foot of sign for each of the first 100 lineal feet of freestanding building frontage and one and one-half square feet of sign for each three lineal feet in excess of 100 lineal feet.

- b. A commercial establishment consisting of a business located in a building but completely separated from other businesses in the building by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress to and egress from the business, shall be permitted a wall sign area not to exceed one square foot of sign for each lineal foot of building frontage of such commercial establishment, except that commercial establishments with more than 100 feet of building frontage of the establishment shall be permitted a wall sign area not to exceed one square foot of sign for each of the first 100 lineal feet of freestanding building frontage and one and one-half square feet of sign for each three lineal feet in excess of 100 lineal feet.

- 2. The wall sign shall be attached to the same wall which is used to determine its size.

**C. Wall Signs in the Industrial District.**

- 1. Each industrial establishment shall be permitted to have one wall sign. For each industrial establishment on a corner lot, one wall sign per public or private street frontage is permitted. Each industrial establishment shall have not more than one wall sign per wall.
- 2. The size of the wall sign shall comply with the following regulations:
  - a. Industrial establishments with zero to 128 lineal feet of wall fronting a street are permitted to have a sign area not to exceed 32 square feet.
  - b. Industrial establishments with more than 128 lineal feet of wall fronting a street are permitted to have a sign area of 32 square feet plus one additional square foot of sign area for each four lineal feet of wall exceeding 128 lineal feet.
- 3. Wall signs shall not face a residential district unless the district and the building are separated by a public or private street or other nonresidential district.
- 4. The wall sign shall be attached to the same wall which is used to determine its size.

**SECTION 15.21 SIGNS FOR OTHER LAND USES.**

- A. Signs in the planned unit development district shall comply with the applicable sign provisions of Chapter 13.
- B. Signs for special land uses shall comply with the sign requirements of the district in which the special land use is located, except to the extent that such requirements may be altered or modified in the approved conditions for the special land use.



**CHAPTER 16  
SPECIAL LAND USES**

**(Amended June 13, 2017, by Ord. No. 17-2-Z;  
Amended January 9, 2018, by Ord. No. 18-2-Z; and  
Amended April 10, 2018, by Ord. No. 18-5-Z)**

**SECTION 16.01 SCOPE.**

This section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Solon Township. For purposes of this Ordinance, all special land uses within the various districts are subject to the conditions and standards of this chapter. In addition, the following uses shall conform to the specific standards cited in Section 16.04, as applicable.

**SECTION 16.02 APPLICATION AND REVIEW PROCEDURES.**

- A. An application shall be submitted through the Zoning Administrator. Each application shall be accompanied by:
  - 1. The payment of a fee as established by the Township Board.
  - 2. A completed application form, as provided by the Township.
  - 3. A complete site plan as specified in Chapter 14.
- B. Applications for a special land use shall be submitted at least 30 days prior to the next Planning Commission meeting.
- C. The application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing the notice of such hearing in accordance with the Zoning Act. The Planning Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township planner, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.
- E. No petition for special land use approval, which has been disapproved, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

- F. A special land use approved pursuant to this chapter shall be valid for one year from the date of approval. Each development shall be under construction within one year after the date of approval of the special land use, except as noted below.
1. The Planning Commission may grant one six-month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the special land use approval.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  3. If neither of the above provisions are fulfilled or the six-month extension has expired prior to construction, the special land use approval shall be null and void.
- G. The Planning Commission shall have the authority to revoke any special land use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this chapter, other applicable sections of this Ordinance, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

### **SECTION 16.03 GENERAL STANDARDS.**

In addition to the standards established for specific uses herein, an application for a special land use shall be reviewed for compliance with the review standards for approval of site plans in Section 14.08 hereof, and conditions, as authorized in Section 14.09 may be placed upon a special land use.

- A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:
1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
  2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities.
  3. Not create excessive additional requirements at public cost for public facilities and services.

4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- B. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the special land use approval, pursuant to Section 16.02.G. Conditions imposed shall be those necessary to:
1. Meet the intent and purpose of the Zoning Ordinance.
  2. Relate to the standards established in the ordinance for the land use or activity under consideration.
  3. Insure compliance with those standards.
  4. Protect the general welfare.
  5. Protect individual property rights.
  6. Ensure that the intent and objectives of this Ordinance will be observed.

**SECTION 16.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS.**

The general standards and requirements of Section 16.03.A, are basic to all special land uses. The specific and detailed requirements set forth in the following section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

**A. Adult Uses.**

**Sexually Oriented Businesses.** It is not the intent of this section to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area of the Township, to minimize and/or prevent the well documented adverse secondary effects of such uses, insure the integrity of the Township's residential and agricultural areas, and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day care facilities, parks and playgrounds, and other areas where juveniles congregate in the Township. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.

All sexually oriented businesses shall be located only in the HC Highway Commercial and the IND Industrial Districts, and shall be approved only as a special land use. They shall be subject to review and approval under Chapter 14, Site Plan Review, and the following provisions.

The definition of words and terms used in these regulations of sexually oriented businesses shall be as stated in paragraph 33 of this Section 16.04.A.

1. **Location.** No person shall cause or permit the operation of any sexually oriented business within 1,000 feet of existing specified uses as follows:
  - a. **Sexually Oriented Business.** This requirement may be waived upon a determination by the Planning Commission and Township Board that a second adult use would not contribute to blighting or an excessive concentration of such uses.
  - b. Church, synagogue or other places of religious worship, park, playground, school, or licensed day care facility.
  - c. Agricultural, recreational or residential zoning district, or any residential dwelling.

For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of the sexually oriented business to the nearest property line occupied by any other use or to the property line of any church, synagogue or other place of religious worship, park, playground, school, licensed day care facility, or any adjacent agricultural, residential or recreational district.

2. **Signs.** Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of Sections 15.09 through 15.21 of this Ordinance.
3. **Building Exterior.** Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within 72 hours of notification of the owner or person in charge of the premises. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.
4. **Lighting Requirements.**
  - a. All off-street parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to help ensure the personal safety of patrons

and employees and to reduce the incidence of vandalism and other criminal conduct.

- b. The premises of all sexually oriented businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two foot candle of light as measured at the floor level.
- c. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one foot candle of light as measured at the floor level.

5. **Age Requirement Regulations.**

- a. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
- b. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business' regular business hours. It shall be the duty of the attendant to not allow any person under the age of 18 years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is 18 years of age or older.

6. **Hours of Operation.** Hours of operation of a sexually oriented business shall be limited to 10:00 a.m. to 10:00 p.m.

7. **Other Regulations, Permits or Licenses.** The provisions of this section do not waive or modify any other provision of this Zoning Ordinance, any other ordinance of the Township, or any county, state or federal law or regulation.

8. **Alcohol Prohibited.** Open alcohol shall not be permitted in any sexually oriented business as defined by this Ordinance.

9. **Information Submission.** In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a sexually oriented business must submit the following:

- a. A floor plan of the premises showing the following:

- i. Location and dimensions of any manager’s station, demonstrating that there is an unobstructed view from at least one of the manager’s stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
    - ii. Location of all overhead lighting fixtures.
    - iii. Identification of any portion of the premises in which patrons will not be permitted.
    - iv. The location of any stage.
    - v. Identification of the use of each room or other area of the premises.
  - b. A current certificate and straight line drawing, prepared within 30 days prior to the application, by a land surveyor depicting the property lines and the structures of the sexually oriented business, showing a circle extending 1,000 feet from the property line of the property on which the business will be located, and depicting the property line of any church, synagogue, regular place of worship, park, playground, school, licensed day care facilities, or agricultural, recreational or residential zoning district or residences within 1,000 feet of the property on which the business will be located.
10. **Application to be Complete.** The Township Clerk shall not accept any application that is not complete in every detail. In the event that the Township Clerk determines that the applicant has improperly completed the application, the applicant shall be promptly notified of such fact and permitted ten days to properly complete the application.
11. **Limit on Reapplication.** No application for a sexually oriented business which has been denied in whole or in part shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence not previously available or proof of changed conditions.
12. **Conditions Requiring Rejection of Special Land Use Application.** The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one or more of the following to be true:
- a. An applicant is under 18 years of age.
  - b. An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business.
  - c. An applicant has failed to provide information required by the Township Zoning Ordinance or has knowingly answered a question or request for information falsely.

- d. The premises to be used for the sexually oriented business has not been approved by the Building Inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.
- e. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.
- f. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application.
- g. The applicant is not in good standing or authorized to do business in Michigan.
- h. The application fee has not been paid.
- i. An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this chapter.
- j. The applicant or owner has been convicted of any of the following criminal offenses in any jurisdiction within the last ten years:
  - i. Prostitution, procuring a prostitute, or solicitation of a prostitute;
  - ii. Sale, distribution or display of obscene material;
  - iii. Sale, distribution or display of material which is harmful to minors;
  - iv. Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
  - v. Possession, sale or distribution of child pornography;
  - vi. Public lewdness;
  - vii. Indecent conduct with a child;
  - viii. Sexual assault or rape;
  - ix. Sexual solicitation of a child;
  - x. Contributing to the delinquency of a minor; or
  - xi. Harboring a runaway child.

13. **Inspection.** An applicant or owner shall permit all representatives of the Township, Kent County and the State of Michigan to inspect the premises of the sexually oriented business for the purpose of insuring compliance with applicable law.
14. **Exterior Structural Requirements.** All sexually oriented businesses must meet the following exterior structural requirements:
  - a. The merchandise or activities of the sexually oriented business may not be visible from any point outside the business.
  - b. The exterior portion of the sexually oriented business may not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.
  - c. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than a single neutral color.
15. **Interior Structural Requirements.**
  - a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one of the manager's station. The view required in this subsection must be by direct line of sight from the manager's station.
  - b. A manager's station may not exceed 32 square feet of floor area.
  - c. No alteration to the configuration or location of a manager's station may be made without the prior approval of the Township zoning enforcement officer.
  - d. Viewing rooms or peep booths must be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider which is a minimum one inch thick and serves to prevent physical contact between patrons.
  - e. No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.



16. **Standards of Conduct.** The following standards of conduct must be adhered to on the premises of the sexually oriented business by the all employees, managers, officers and agents of any sexually oriented business:
- a. No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.
  - b. No employee or entertainer shall engage in, encourage or knowingly permit any specified sexual activities on the premises of the sexually oriented business.
  - c. No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of one-quarter inch thick and have no openings between the entertainer and any patrons.
  - d. There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of food and drink prices.
  - e. Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the sexually oriented business and no tip may be handed directly to an entertainer. A business that desires to provide for such tips from its patrons shall establish one or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.
  - f. No adult entertainment occurring on the premises shall be visible at any time from the outside of the premises.
  - g. An owner, manager or an employee shall not knowingly allow the possession, use, or sale of controlled substances on the premises.
  - h. An owner, manager, or an employee shall not knowingly allow prostitution on the premises.
  - i. An owner, manager, or an employee shall not knowingly allow any live specified sexual act to occur in or on the licensed premises.
  - j. An owner, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the licensed premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.

- k. At least one manager must be on duty and situated in each manager's station at all times that the business is open to the public.
  - l. All doors to public areas on the premises must remain unlocked during business hours.
  - m. It shall be the duty of the owner, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remains unobstructed by any doors, curtain, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
  - n. No viewing room or peep booth may be occupied by more than one person at any one time.
17. **Massage Parlors.** No establishment, regardless of whether it is a public or private facility, shall operate as a massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless the person(s) massaging any client or customer is a graduate of a recognized school and certified as a massage therapist by the American Massage Therapy Association. In addition:
- a. The premises of each massage parlor may be inspected by law enforcement personnel or by the Township zoning enforcement officer during business hours and at other reasonable times to ensure compliance with this Ordinance.
  - b. All persons offering massages in a massage parlor shall, not less than five months and not more than six months following the issuance of a special land use approval for a massage parlor, file with the Township Clerk a statement from a licensed medical doctor or osteopath certifying or recertifying that such person has been examined within the 30 days immediately prior thereto and has been found to be free from all communicable or contagious diseases, including but not limited to, sexually transmitted diseases. Failure to comply with this requirement shall constitute grounds for revocation of special land use approval.
  - c. No employee of a massage parlor, or any other person associated with a massage parlor, on the premises of a massage parlor, may offer or engage in any specified sexual activity.
  - d. Each massage parlor and massagist shall comply with the following standards:
    - i. No patron shall be serviced who is infected with any fungus or other skin infection; nor shall any service be performed on a patron exhibiting skin inflammation or eruptions.

- ii. All massagists shall wash their hands in hot water with soap before giving any service or treatment to each separate patron.
  - iii. All towels, tissues, sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.
  - iv. Nondisposable tools of the trade shall be disinfected after use upon each patron.
  - v. In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage parlor may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.
  - vi. No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage parlor which is fitted with a door capable of being locked.
  - vii. Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and wash basin, shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.
  - viii. All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.
- e. Non-transparent uniforms or garments covering the torso shall be worn by massagists at all times while attending patrons. Such uniforms or garments shall be of a washable material and shall be kept in a clean condition.

18. **License Required.** It shall be unlawful to operate or cause to be operated a sexually oriented business in the Township without a valid license issued pursuant

to the provisions of this chapter. The granting of a special land use under this chapter does not confer a license on the applicant.

**19. License Application.**

- a. All applicants for a sexually oriented business license shall file an application for such license with the zoning enforcement officer. Each individual applicant, partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application and each of them shall be photographed and fingerprinted by the Kent County Sheriff's Department, or other appropriate law enforcement agency.
- b. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Township Building Inspector and zoning enforcement officer.
- c. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as the applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a 10 percent or greater interest in the corporation must sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner must sign the application. If the applicant is a limited liability company each member must sign the application. If the applicant is a limited liability partnership each partner must sign the application.
- d. Applications for a license, whether original or renewal, must be made to the zoning enforcement officer by the intended operator of the sexually oriented business. Applications must be submitted by hand delivery to the office of the zoning enforcement officer during regular working hours. The intended operator shall be required to give the following information on the application:
  - i. If the applicant is an individual, the individual shall state his legal name and address and any aliases.
  - ii. If the applicant is a partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited.
  - iii. If the applicant is a limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members.

- iv. If the applicant is a limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners.
- v. If the applicant is a legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process.
- vi. The name under which the sexually oriented business is to be operated and a general description of the services to be provided.
- vii. The telephone number of the sexually oriented business.
- viii. The address and legal description of the real property on which the sexually oriented business is to be located.
- ix. If the sexually oriented business is in operation, the date on which the owner(s) acquired the sexually oriented business for which the license is sought, and the date on which the sexually oriented business began operations as a sexually oriented business at the location for which the license is sought.
- x. If the sexually oriented business is not in operation, the expected start up date (which shall be expressed in number of days from the date of the application). If the expected start up date is to be more than ten days following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same is also required.
- xi. Whether the applicant or any other individual identified in the application had a previous sexually oriented business license under this section or other adult business ordinance from another city, village, township or county denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
- xii. Whether the applicant or any other individuals identified in the application has been partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any other legal entity that is permitted under this section whose license has previously been denied, suspended or revoked, including the name and location of

the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

- xiii. Whether the applicant or any other individual identified in the application holds any other licenses under this section or other similar sexually oriented or adult business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business.
  - xiv. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
  - xv. The applicant's mailing address and residential address.
  - xvi. The applicant's driver license number, social security number and/or federally issued tax identification number.
- e. The application shall be accompanied by the following:
- i. Payment of the application, investigation and license fees.
  - ii. If the applicant is an individual, satisfactory proof that he or she is at least 18 years of age.
  - iii. If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate.
  - iv. If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan.
  - v. If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto.
  - vi. If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto.
  - vii. If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration.
  - viii. If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto.

- ix. If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority.
  - x. If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited liability partnership, together with all amendments thereto.
  - xi. If the applicant is a limited liability partnership formed under the laws of another state, a certified copy of the Michigan registration.
  - xii. Documentation identifying the owner(s) of the real property on which the sexually oriented business is to be situated.
  - xiii. If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the real property thereof that is to be used for the purpose of the operation of the sexually oriented business.
- f. The application shall contain a statement under oath that:
- i. The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct.
  - ii. The applicant has read the provisions of this section.
- g. A separate application and license shall be required for each sexually oriented business.
20. **Approval of License Application.** The zoning enforcement officer shall approve the issuance of a license to an applicant within 60 days after receipt of an application if the application is complete and meets all the requirements of this section, unless he or she finds that the applicant or owner is ineligible for special land use approval for any of the reasons set forth in subsection 12 above.
21. **Display of License.** The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
22. **Denial of License.** In the event that the zoning enforcement officer determines that an applicant is not eligible for a license, the applicant shall be given notice in

writing of the reasons for the denial within 60 days of the receipt of the application by the zoning enforcement officer, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time before the notice is issued in order to make modifications necessary to comply with this section.

23. **Appeal to Board of Zoning Appeals.** An applicant may appeal the decision of the zoning enforcement officer regarding a denial of an application or the revocation of a license pursuant to subsection 29 below to the Board of Zoning Appeals by filing a written notice of appeal within 15 days after the applicant is given notice of the zoning enforcement officer's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The zoning enforcement officer may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information, the Board of Zoning Appeals shall vote to either uphold or overrule the zoning enforcement officer's decision. Such vote shall be taken within 60 calendar days after the date on which the Board of Zoning Appeals receives the notice of appeal. However, the applicant shall be required to comply with the zoning enforcement officer's decision during the pendency of the appeal.
24. **Investigation of Applicant.** Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application, investigation and license fee, the zoning enforcement officer shall transmit the application to the Kent County Sheriff's Department or Michigan State Police Department for investigation of the background of each individual applicant, the partners of a partnership, the members of a limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed sexually oriented business.
25. **Application Fee.** Each applicant shall pay an application fee at the time of filing an application for a license in an amount as established from time to time by resolution of the Township Board. The application fee shall include the cost of the investigation by the Kent County Sheriff's Department, Michigan State Police Department, or other appropriate law enforcement agency. The application fee shall be nonrefundable.
26. **License Fee.** Each licensee issued a license pursuant to this chapter shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the Township Board. The license fee shall be refunded if the license is not approved.
27. **License Renewal.** Any application for renewal of a license shall be filed with the zoning enforcement officer not less than 45 days prior to the date of expiration. The zoning enforcement officer may, for a good cause shown, waive the requirement for timely filing of a renewal application.



28. **Term of License.** All licenses issued pursuant to this section shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no pro ration fees shall be permitted.
29. **Revocation of License.** The zoning enforcement officer shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months. The zoning enforcement officer shall also revoke a license if he or she determines that any of the following has occurred:
- a. Any condition exists that would warrant disapproval of a license as set forth in this section;
  - b. A licensee, operator, manager or employee has engaged or has allowed patrons or employees to engage in acts of misconduct on the licensed premises in violation of any Township ordinance, the laws of the State of Michigan or of the United States when the licensee, operator, manager or employee knew or should have known such acts were taking place; or
  - c. Repeated disturbances of public peace have occurred within the licensed sexually oriented business or upon any parking areas, sidewalks, access ways or grounds of the licensed sexually oriented business involving patrons, employees, or the licensee.
  - d. When the zoning enforcement officer revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented license for one year from the date revocation became effective. If, subsequent to revocation, the zoning enforcement officer finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.
30. **Registration of Managers, Entertainers and Employees.**
- a. No person shall work as a manager, entertainer or employee at a sexually oriented business without being registered under this section.
  - b. All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are 18 years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.
  - c. The registration fee shall be as established from time to time by resolution of the Township Board.

- d. The owner or manager of a sexually oriented business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five days of employment.
31. **Exemptions from Enforcement.** It is a defense to prosecution under this section that a person appearing in a state of nudity or semi nudity did so in a modeling class operated:
- a. By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation; or
  - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
32. **Reporting of Violations.** Any owner, manager or employee shall immediately report to the Township Clerk and to the Kent County Sheriff’s Office any violation of this section or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the sexually oriented business, including any parking area or adjoining area under the control or management of the owner, provided that the owner, manager or employee knew or should have known of such violation of law.
33. **Definitions.** The following words and terms in this Section 16.04.A shall be defined as stated below:

**Adult Book Store.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

**Adult Cabaret.** A nightclub, bar, restaurant, lounge or similar establishment, whether or not alcoholic beverages and/or food are served, which regularly features one or more of the following: (i) persons who appear nude or in a state of nudity or semi-nudity; or (ii) live or recorded performances which are characterized by an emphasis on matter depicting specified anatomical areas or specified sexual activities, or which involve the exposure of specified anatomical areas or specified sexual activities.

**Adult Motion Picture Theater.** An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons therein.

**Adult Use/Sexually-Oriented Business.** Those uses defined in this subsection of this Ordinance as an adult bookstore, adult cabaret, adult motion picture theater, escort agency, massage parlor, and/or nude artist and photography studio. This definition shall include the conversion of an existing business, whether or not an adult use or sexually-oriented business, to an adult use/sexually-oriented business.

**Employee.** Any person who works or performs in and/or for a sexually oriented business, including the manager, regardless of whether or not said person is paid a salary, wage or other form of compensation.

**Entertainer.** Any person who performs any entertainment, exhibition or dance of any type within a sexually oriented business, whether or not such person or anyone else charges or accepts a fee for such entertainment, exhibition, or dance.

**Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, to privately perform a striptease for another person, or to otherwise display specified sexual activities or specified anatomical areas.

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

**Manager.** An employee, other than the licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees or who is otherwise responsible for the operation of, or in charge of, a sexually oriented business.

**Massage.** Massage shall mean a method of treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

**Massage Parlor.** Any establishment having a fixed place of business where massages are administered solely or in combination with any other services or activity for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops, beauty salons or athletic facilities in which massages are administered only to the scalp, the face, the neck, the shoulder, the back above the waist or the legs below the thighs. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool or tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.

**Nude Artist and Photography Studios.** Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display “specified anatomical areas” as defined herein for artists and photographers for a fee or charge.

**Operator.** All persons who own, operate, direct, oversee, conduct, maintain, or effectively exert management control or authority over a sexually oriented business or its affairs, without regard to whether such person(s) owns the premises in which the sexually oriented business does business. An operator effectively exerts management control or authority when he or she actually does, or is in a position to, participate in the management, direction or oversight of a sexually oriented business or its affairs, whether or not such person's name appears on any public record filed with any government agency in connection with a sexually oriented business or any parent company or affiliate.

**Owner.** A person owning, directly or beneficially, any interest or part interest, however identified, in a sexually oriented business.

**Recognized School.** Recognized school shall mean any school or educational institution which teaches the theory, method, profession, or work of massage, and; requires 500 hours before the student receives a diploma or certificate of graduation for having completed the course, and; is either licensed to teach massage and to do business as a school or educational institution in the State of Michigan, or is approved by the American Massage Therapy Association.

**Specified Anatomical Areas.** Specified anatomical areas are defined as less than completely and opaquely covered:

1. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Specified Sexual Activities.** Specified sexual activities are defined as:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.

**B. Bed and Breakfast Establishments.**

1. The establishment shall be serviced by approved water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a paved public road.
3. Such uses shall only be established in a detached single family dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties.

5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
6. The total number of guest rooms in the establishment shall not exceed five, plus one additional guest room for each 10,000 square feet or fraction thereof by which the lot area of the use exceeds one acre, not to exceed a total of nine guest rooms.
7. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six-foot solid, decorative fence or wall.
8. One sign shall be allowed for identification purposes. Such sign shall not exceed 16 square feet in area, and may not exceed four feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half of the front yard setback area setback of the zoning district in which the use is located and shall be located at least 15 feet from any side or rear lot line.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
11. Breakfast may be served only to the operator's family, employees, and overnight guests.

**C. Bulk Oil, Gasoline and Propane Distribution.** (Amended August 13, 1996)

1. The minimum lot size shall be five acres.
2. The lot shall be located so that at least one side abuts an arterial street and all access shall be from such arterial street.
3. The main and accessory buildings and any storage facilities shall not be located nearer than 300 feet to any adjacent residential district or use.
4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.

**D. Commercial Kennels.**

1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one 100 feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

2. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building.

E. **Commercial Greenhouses and Nurseries**, including those operated primarily as wholesaling operations and limited retail sales.

1. Minimum lot area shall be one acre.
2. Minimum lot width shall be 200 feet.
3. The Planning Commission may require a six-foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All such businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
5. The lot area used for parking for customers shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from the nearest part of any street intersection.
7. All lighting shall be shielded from adjacent residential areas.
8. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
9. All loading activities and parking areas shall be provided on the same premises (off-street).
10. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
11. No display area shall be located within ten feet of a road right-of-way line.

F. **Commercial Warehouses**. (Amended March 13, 2007)

1. Minimum lot area shall be two acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-1 District.

3. One parking space shall be provided for each ten tenant or storage units, equally distributed throughout the storage area. Parking lanes may be provided to satisfy this requirement.
4. Two parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
5. One parking space shall also be required for every 20 tenant or storage units, up to a maximum of ten spaces, to be located adjacent the rental office, for the use of customers. A minimum of three parking spaces shall be provided.
6. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved, and the design of each shall be considered as part of the site plan review.

**G. Country Clubs, Golf Courses, and Private Non-Commercial Athletic Grounds and Parks, and Other Similar Uses, Including Related Uses, Such as Snack Bars or Small Retail Shops Selling Goods Directly Related to the Principal Use. (Amended May 2015)**

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of 50 feet from any residential district or use.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
4. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least 50 feet from any lot line.

**H. Funeral Homes and Mortuary Establishments.**

1. Minimum lot area shall be one acre with a minimum width of 150 feet.
2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.
4. The proposed site shall front upon a paved state trunkline, county primary, or county local street. All ingress and egress shall be from said thoroughfare.

I. **Child Care Centers, Day Care, Group Day Care Homes, Nursing Homes and Other Care Facilities.** (Amended August 3, 2006)

1. **Group Day Care Homes.**

- a. The group day care home shall not, unless specifically permitted by the Planning Commission, be located closer than 1,500 feet to another licensed group day care home or state-licensed residential facility or a community correction center, resident home, half-way house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- b. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- c. The group day care home shall be registered and licensed as required under Act 116 of the Public Acts of 1973, as amended.
- d. The Planning Commission shall approve all fencing, which shall meet the requirements of Section 3.10 of this Ordinance.
- e. All signs shall comply with Chapter 15 of the Zoning Ordinance.
- f. Off-street parking shall be provided in compliance with the requirements of Chapter 15 of this Ordinance.
- g. Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.

2. **Requirements for Care Homes and Facilities, Other Than Group Day Care Homes, Permitted as a Special Land Use under Section 5.03.N (AR District), Section 6.03.B (R-1 District) and Section 7.03.G (R-2 District).** A facility of this type shall be permitted as a special land use if the following conditions are satisfied:

- a. **Lot Size.** The lot size shall be not less than the minimum lot size applicable in the district in which the facility is located.
- b. **Parking.** Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).



- c. **Fire Chief and Health Department Approvals.** The facility shall be subject to the approval of the Township fire chief and subject to all state and County Health Department requirements.
- d. **Fencing.** All outdoor play areas shall be enclosed by a chain link fence or solid fence of at least four feet in height, which shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.
- e. **Operating Hours.** Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
- f. **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.
- g. **Signs.** Signs shall conform to the sign regulations applicable in the district in which the facility is located.
- h. **Licensing.** The facility shall be registered and licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended.
- i. **Outdoor Play Area.** A child care center or other facility offering services to more than six minors shall provide and maintain an outdoor play area of not less than 5,000 square feet. The area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or a solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of the property. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.
- j. **Refuse Collection.** All refuse collection facilities shall be screened from view by adequate fencing.
- k. **Distance between Facilities.** A home or facility seeking approval under this section shall not be located within 1,500 feet of any existing child care center, group home or other facility described in this section.

3. **Requirements for Nursing Homes, Homes for the Aged and Those State-Licensed Residential Facilities Serving More Than 12 Persons Permitted as Special Land Uses under Sections 6.03.C, 7.03.H, 9.03.I and Section 10.03.M.** A facility under this section may be permitted in the foregoing districts if the following conditions are satisfied:
- a. **Lot Size.** The minimum lot size shall be calculated by multiplying the number of persons approved for capacity of the facility by 5,000 square feet, but in no event shall the minimum lot size be less than two acres.
  - b. **Parking.** Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
  - c. **Setbacks.** No part of the facility building or buildings may be closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; and will not materially impair the intent and purpose of this Ordinance or the public's interest. In modifying such setback requirements, the Planning Commission may attach conditions regarding the location, character, landscaping or treatment of the buildings or premises or other such matters as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the public's interest.
  - d. **Building Size.** The building must provide for each tenant, elderly or retired person or minor in the building or buildings so used a minimum floor area exclusive of basement or attic space of 250 square feet.
  - e. **Fire Chief and Health Department Approvals.** The facility shall be subject to the approval of the Township fire chief and subject to all state and County Health Department requirements.
  - f. **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.
  - g. **Signs.** Signs shall conform to the sign regulations applicable in the district in which the facility is located.
  - h. **Licensing of Facilities.** Homes for the aged shall be registered and licensed as required under Part 213 of the Public Health Code, MCL 333.21301 *et seq.*, as amended. Nursing homes shall be registered and licensed as required under Part 217 of the Public Health Code, MCL 333.21701 *et seq.*, as amended.

- i. **Refuse Collection.** All refuse collection facilities shall be screened from view by adequate fencing.
  - j. **Operating Hours.** Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
  - k. **Outdoor Play Area.** A child care center or other facility offering services to more than six minors shall provide and maintain an outdoor play area of not less than 5,000 square feet. The area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or a solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of the property. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.
  - l. **Fencing.** All outdoor play areas shall be enclosed by a chain link fence or solid fence of at least four feet in height, which shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.
  - m. **Impact on Neighborhood.** The facility is harmonious with the character of the neighborhood and will not have a negative impact on or injure nearby properties or the use and enjoyment of nearby properties.
4. **Child Care Center as Accessory Use.** A child care center or day care center (a “child care facility”) may be permitted as an accessory use for a church, nursing home, home for the aged or a business, subject to review and approval by the Planning Commission according to the requirements provided for special land uses by this chapter and the standards provided in Section 16.04.I.2, and subject to all of the following additional conditions and requirements.
- a. The child care facility may receive infants, pre-school and elementary school age children for care (including, without limitation, supervision, training or educational instruction) for periods of less than 24 hours per day.
  - b. The child care facility shall provide care primarily to children of employees of the facility while those employees are engaged in carrying

out their employment with the facility. The requirements of this paragraph shall be deemed satisfied so long as preference in admission to the facility shall be given to children of employees prior to the admission of any children of persons who are not employees of the facility. This paragraph shall not apply to churches.

- c. The principal functions of the child care facility accessory to a nursing home or home for the aged shall be to provide opportunities for the interaction of, and to foster an inter-generational relationship between, the elderly residents of the facility and the children attending the child care facility, and to provide child care for the children of employees of the facility. The principal function of a child care facility accessory to a business shall be to provide child care for the employees of the business.
- d. The child care facility shall be located on the same property as the home, church or business to which the child care facility is accessory.
- e. The child care facility shall provide appropriate fencing, child drop-off and pick-up areas, and other facilities, design elements and operational characteristics for the safety of the children attending the child care facility, as determined necessary by the Planning Commission.
- f. The child care facility shall be registered and licensed as required for “child care centers” or “day care centers” under the Child Care Organizations Act (Act 116 of the Public Acts of 1973, as amended).

- 5. **Planning Commission Modifications.** The Planning Commission may modify the requirements of this Section 16.04.I in circumstances where it determines that the facility as modified will be harmonious with the character of the neighborhood and will not have a negative impact on or injure nearby properties or the use and enjoyment of nearby properties. The Planning Commission may impose reasonable conditions in connection with any such modifications.

**J. Hotels and Motels.**

- 1. Minimum lot area shall be four acres and minimum lot width shall be 200 feet.
- 2. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
- 3. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.

**K. Junk Yards.**

- 1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation

and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

2. The site shall be provided with suitable access to a county primary or state trunkline to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within 200 feet of any residential district or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two non-transparent gates not exceeding 48 feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of 20-foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum site size for such facilities shall be six acres.

14. All fences shall be setback a minimum of 50 feet from any residential district or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

**L. Kennels.** (Amended January 2002)

1. The minimum lot area shall be five acres.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located closer than 100 feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

**M. Marinas and Public or Private Boat Launches.**

1. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.
2. No building, structure, dock, or parking area which is part of marina or boat launch area shall be located closer than 35 feet to any residential lot line.
3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.

**N. Multiple Family Dwellings.**

1. All dwelling units shall have a minimum of 720 square feet per unit.
2. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
3. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
4. Buildings shall not be constructed closer than a distance equal to one and one-half times the height of the taller building.
5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

**O. Open Air Businesses.**

1. Minimum lot area shall be one acre.
2. Minimum lot width shall be 200 feet.
3. Except in the agricultural districts, the Planning Commission may require a six-foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All open air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
5. The Planning Commission may require the permittee to furnish a surety bond in accordance with this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of special land use approval.
6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
7. Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from an intersection.
8. All lighting shall be shielded from adjacent residential areas.
9. In the case of a plant materials nursery:
  - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
  - b. All loading activities and parking areas shall be provided on the same premises (off-street).
  - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
10. No display area shall be located within ten feet of a road right-of-way line.

**P. Public or Private Boat Launches.** (See Marinas and public or private boat launches)

**Q. Public or Private Campgrounds.**

1. Minimum lot size shall be three acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.

2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than 80 sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of 1,000 square feet.
4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within 400 feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
5. Each site shall contain a minimum of 1,500 square feet. Each site shall be set back at least 75 feet from any public or private right-of-way or property line.
6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least 24 feet in width for two-way traffic and 12 feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
7. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the county drain system, subject to approval by the Drain Commission of Kent County.
8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable county health regulations.
9. A minimum distance of 15 feet shall be provided between all travel trailers and tents.

**R. Removal and Processing of Topsoil, Stone, Rock, Sand, Gravel, Lime or Other Soil or Mineral Resources.** (Amended August 13, 1996; February 10, 1998)

1. The removal of less than 500 cubic yards of mineral material shall comply with the following requirements:
  - a. The removal shall not alter predominant drainage patterns or cause drainage impacts on adjoining lands.
  - b. The removal shall comply with other applicable section Township ordinances, the Soil Erosion and Sedimentation Control Act of 1972 and other applicable state or federal laws.
  - c. The removal shall be for one or more of the following purposes:



- (1) In shall be incidental to the construction of a building or other structure for which the Township has issued a building permit;
  - (2) It shall only involve normal landscaping, driveway installation and repairs or other minor projects;
  - (3) It is needed for the construction and installation of a swimming pool; or
  - (4) It is needed for some other incidental, non-recurring purposes involving the minor grading or other change of a parcel of land owned by the applicant, but is not undertaken for the purpose of sale or delivery of mineral material to another person or other party.
- d. The removal must be one that is complete in and of itself; it may not constitute merely a part, portion or phase of some other larger, different or recurring removal operation, plan or activity. An applicant may not repeat or combine successive removal operations of less than 500 cubic yards each, on the same parcel of land, for the purpose of removing a larger quantity of mineral material. An applicant shall not divide or split off parcels of land so as to increase the quantity of mineral material that could be removed under this subsection.
- In the case of subsequent application for removal of less than 500 cubic yards, the applicant shall demonstrate the satisfaction of the Zoning Administrator that such successive removal operation entirely unrelated to any previous such operation, or that involves a different parcel of land and one that was not established or acquired so as to avoid the limitations of this subsection.
- e. The removal operation shall not include any crushing, screening or other processing of sand, gravel or other mineral material.
- f. No mineral material shall be brought to the site from any other location for crushing, other processing, stockpiling or other purposes.
2. The removal of an amount of mineral from 500 cubic yards up to and including 3,000 cubic yards shall comply with the following requirements:
- a. The removal shall not alter predominant drainage patterns or cause drainage impacts on adjoining lands.
  - b. The removal shall comply with other applicable section Township ordinances, the Soil Erosion and Sedimentation Control Act of 1972 and other applicable state or federal laws.
  - c. The removal shall be for one or more of the following purposes:

- (1) It shall be incidental to the construction of a building or other structure for which the Township has issued a building permit;
- (2) It shall only involve normal landscaping, driveway installation and repairs or other minor projects;
- (3) It is needed for the construction and installation of a swimming pool; or
- (4) It is needed for some other incidental, non-recurring purposes involving the minor grading or other change of a parcel of land owned by the applicant, but is not undertaken for the purpose of sale or delivery of mineral material to another person or other party.

- d. The removal must be one that is complete in and of itself; it may not constitute merely a part, portion or phase of some other larger, different or recurring removal operation, plan or activity. An applicant may not repeat or combine successive removal operations of less than 500 cubic yards to 3,000 cubic yards each, for the purpose of removing a larger quantity of mineral material. An applicant shall not divide or split off parcels of land so as to increase the quantity of mineral material that could be removed under this subsection.

In the case of subsequent application for removal of from 500 cubic yards up to 3,000 cubic yards, the applicant shall demonstrate the satisfaction of the Zoning Administrator that such successive removal operation entirely unrelated to any previous such operation, or that involves a different parcel of land and one that was not established or acquired so as to avoid the limitations of this subsection.

- e. The mineral removal shall be subject to the issuance of a permit by the Zoning Administrator, except that no such permit shall be needed for building construction, for normal landscaping, driveway installation and repairs or other minor projects, or for the construction of a swimming pool.
- f. The removal operation shall not include any crushing, screening or other processing of sand, gravel or other mineral material.
- g. No mineral material shall be brought to the site from any other location for crushing, other processing, stockpiling or other purposes, except that topsoil may be brought to the site if necessary in order to accomplish any required reclamation of the lands and if authorized in the mineral removal permit.
- h. The duration of the mineral removal activity, including reclamation, may not be longer than two years.

- i. An applicant for an earth removal operation shall submit an application to the Zoning Administrator for a permit for the operation. The application shall include the legal description of the lands; a description of the nature and extent of the proposed earth material removal; a list of equipment to be used in the removal operations; a description of the measures to be taken to ensure that there will be no serious adverse effects upon other lands or persons; a description of the proposed route or routes to be used in transporting the removed material; proposed reclamation measures; and a topographic map showing existing and proposed final contour lines, unless such map is waived by the Zoning Administrator.
  
- j. In considering whether to approve a permit, for a mineral removal operation involving from 500 cubic yards up to 3,000 cubic yards the Zoning Administrator shall consider the following matters:
  - (1) The land area involved and the quantity of earth material to be removed.
  - (2) The effects of the removal activity on adjoining and nearby lands.
  - (3) The possibility that the removal operation may cause or create safety hazards, erosion of lands or other adverse effects.
  - (4) Potential traffic congestion and adverse traffic effects which may result from the removal and hauling of mineral material.
  - (5) The proposed nature and extent of reclamation of the land after completion of the removal operations.
  
- k. Any mineral removal permit issued by the Zoning Administrator shall include the following matters:
  - (1) The duration of the permit and its expiration date.
  - (2) A description of the lands covered and removal routes authorized.
  - (3) A list of permitted equipment.
  - (4) A listing of all required precautionary measures, including any requirements involving driveways, isolation distances, fencing, maximum grades of slopes, hours and days of operation, maximum depth of excavations, maximum noise level of equipment, final required contours, upon reclamation of the lands, and other requirements.
  
- l. The permit issued by the Zoning Administrator shall terminate as of its stated expiration date, whether or not the stated maximum amount of sand, gravel, or other earth material has been removed; provided, however, that

if the stated amount of such material has not been removed by the time of the expiration date, the applicant may apply for and the Zoning Administrator may consider the issuance of another permit, for such additional time as the Administrator shall specify in any such additional permit, provided, however, that any such additional permit shall not be for any period longer than two years, and provided further, that the total quantity of mineral material to be removed, pursuant to both an original permit and also any additional permits, shall not exceed 3,000 cubic yards altogether. Any additional permit shall also state its duration and expiration date, and shall include all of the same matters noted above for an original permit.

In considering an application for another permit, the Zoning Administrator may require information concerning operations under the previous permit, or other information about previous mineral removals from the land, and such other information as may assist the Administrator in determining whether another permit shall be issued.

- m. The filing fee for an application for an earth removal permit to be issued by the Zoning Administrator shall be as determined by the Township Board.
3. Removal of soil, sand, gravel, and other earth or mineral material, of a quantity greater than 3,000 cubic yards, shall be subject to special land use approval by the Planning Commission under the terms of this subsection.
- a. The property owner or operator shall submit an application for such special land use approval. In addition to other materials and information required by this chapter, the application shall include the following:
    - 1. A written legal description of all of the lands proposed for the use.
    - 2. Eight copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
      - (a) A north arrow, scale, and date.
      - (b) Shading indicating the extent of land area on which mineral removal operations and activities will take place.
      - (c) The location, width, and grade of all easements or rights-of-way on or abutting the lands.
      - (d) The location and nature of all structures on the lands.
      - (e) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.

- (f) Existing elevations of the lands at intervals of not more than five feet.
  - (g) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
  - (h) Mineral processing and storage areas.
  - (i) Proposed fencing, gates, parking areas, and signs.
  - (j) Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
  - (k) A map showing access routes between the subject lands and the nearest county primary arterial road.
  - (l) Areas to be used for ponding.
3. The applicant shall submit a narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and removal methods, including any permitted crushing, screening, or other processing; description of equipment to be used, both on the site and for hauling purposes, and the noise rating of each type of equipment; and a summary of the procedures and practices to be used so as to ensure compliance with the requirements of this subsection.
4. A site rehabilitation plan including the following:
- a. A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing.
  - b. A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s).
  - c. A description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township master plan and all applicable requirements of this Ordinance.

- b. The Planning Commission may require an environmental impact statement, traffic impact study, engineering study, soils and groundwater data, a storm water management plan, a study of the economic need for mineral resource removal, information on currently available sources of similar mineral material, in the Township or elsewhere, and other additional information regarding the requested special land use.
- c. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
  - 1. Topsoil shall be replaced on the site to a depth of not less than six inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - 2. Final slopes shall have a ratio of not more than one foot of elevation to three feet of horizontal distance.
  - 3. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
- d. The end or end uses of and land shall conform to uses designated for the lands by the Township master plan. In reviewing proposed end uses and components thereof, the Planning Commission may impose requirements for the purpose of causing the proposed end uses to comply more fully with the district in which the lands are located.
- e. No machinery shall be erected or maintained within 50 feet of any property or street line. No cut or excavation shall be made closer than 50 feet to any street right-of-way line or property line in order to ensure sublateral support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within 200 feet of any residential or commercial district.
- f. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and

the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.

- g. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
- h. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one foot of elevation for each two feet of horizontal distance, after the cessation of daily operations, provided, however, that the Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four feet in height, so located that any slopes steeper than one foot of elevation for each two feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
- i. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, a stated maximum quantity of mineral material which may be removed, soil erosion and sedimentation control, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, fuel loading and storage requirements, limitations on the area of land that may be subject to mining or excavation any one time, periodic reclamation of portions of the site, requirements for the control of drainage, limitations on equipment noise, limits on hours and days or operation and methods of operation and other matters.
- j. No mineral material shall be brought to the site from any other location for crushing, other processing, stockpiling, or other purposes, except that topsoil may be brought to the site if necessary in order to accomplish any required reclamation of the lands and if authorized in the provisions of the special land use.
- k. An applicant for a special land use shall submit a performance bond or letter of credit, in accordance with the requirements of this Ordinance, so as to guarantee complete, proper and timely performance under the special land use, and naming the Township of Solon as the insured party and conditioned upon the timely and faithful performance by the applicant of

all of the terms and conditions of the special land use. The performance bond or letter of credit shall have such other terms and be in such amount as the Planning Commission recommends as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the special land use.

- (1) The performance bond or letter of credit shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the special land use.
- (2) The timely and faithful compliance with all of the provisions of the performance bond or letter of credit shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any special land use, even if the applicant has otherwise complied with all other terms and provisions of the current special land use.

**S. Restaurants with Drive-Through Facilities.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
4. Public access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.



6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**T. Retail Building Supplies.**

1. Minimum lot width shall be 200 feet.
2. The Planning Commission may require a six-foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from an intersection.
4. All lighting shall be shielded from adjacent residential districts or uses.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any principal building in the district.

**U. Roadside Stands with More Than Two Hundred Square Feet of Sales Area.**

1. A five-foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
2. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or driveway.
3. No lighting shall be provided for any such use.
4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

**V. Theaters, or Similar Places of Public Assembly, as Determined by the Zoning Administrator.**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. Main buildings shall be set back a minimum of 100 feet from any residential district or use.
3. For uses exceeding a seating capacity of 250 persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Access driveways shall be located no less than 100 feet from the nearest part of the intersection of any street or any other driveway.

**W. Truck and Freight Terminals.**

1. Minimum lot size shall be three acres.
2. The lot location shall be such that at least one property line abuts a paved state trunkline or county primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least 75 feet from all property lines.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.

**X. Utility and Public Service Buildings, Without Storage Yards.** This section shall not apply to essential services, which are governed by Section 3.15. (Amended March 13, 2007)

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the district in which it is located.

**Y. Reserved for future use.** (Amended June 13, 2017)

**Z. Vehicle Wash Establishments, Either Self-Serve or Automatic.**

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted in the front yard setback area.
3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

**AA. Veterinary Hospitals and Animal Clinics.** Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

**BB. Intensive Livestock Operations.**

1. Minimum lot area shall be 40 acres.
2. The operation shall be set back a minimum of 500 feet from property lines, 1,000 feet from an adjacent residential district or use, and 500 feet from a standing body of water or flowing stream.

3. No harm to adjacent property owners shall result from direct runoff from the site upon which the proposed operation is located.

**CC. Sawmills and Related and Subordinate Uses that are Necessary to the Operation of a Sawmill.** (Amended May 14, 1996, March 13, 2007)

1. Minimum lot area shall be three acres.
2. Maximum lot coverage by buildings and parking area shall not exceed 40 percent of total lot area (such maximum percent shall not be subject to the suggested maximum building area stated in Section 9.05.G of this Ordinance).
3. Minimum lot width shall be 250 feet.
4. The Planning Commission may require a fence of up to six feet in height to be constructed along the rear and/or sides of the lot or parcel, so as to assist in keeping trash, paper, and other debris from blowing off the premises.
5. The lot area used for parking and drives shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. Ingress and egress shall be provided as far as practicable from each of two intersecting streets. Locations of ingress and egress shall be at least 150 feet from a street intersection.
7. All outdoor lighting fixtures shall be shielded so that the lighting is directed downward and so that such lighting does not shine onto adjacent residential lands.
8. Outdoor storage of materials shall comply with all yard setback requirements applicable to any building under the terms of the district in which the lands are located.
9. All loading activities and parking areas shall be provided off-street and on the same premises as the special land use.
10. The storage of any materials shall be sufficiently contained to prevent any adverse effect upon adjacent or nearby lands.

**DD. Restaurants in the HC and NC Districts.** (Added April 2009). A restaurant in the HC Highway Commercial District or the NC Neighborhood Commercial District shall be subject to all of the following conditions:

1. The sale of beer, wine or intoxicating liquors for consumption on the premises shall only be permitted by a restaurant that is a “full service restaurant” as defined by the Township's Liquor Control Ordinance.

2. The restaurant shall obtain and keep in force all required state licenses and other permits for the sale and consumption of beer, wine and alcoholic liquors, or such of them as are sold and consumed on the premises.
3. In the NC Neighborhood Commercial District, drive-through facilities are not permitted, but carry-out service, as defined in this ordinance, may be permitted.
4. The restaurant shall have adequate and convenient off-street parking areas for motor vehicles.
5. The sale and consumption of alcoholic beverages, if applicable, shall at all times be carried out in a manner consistent with the purposes of the NC Neighborhood Commercial District, or the HC Highway Commercial District, whichever is applicable.
6. In addition, in determining whether such special land use shall be granted, the Planning Commission shall consider the following standards:
  - a. The extent to which the proposed use is harmonious with and enhances adjoining properties in the applicable commercial district.
  - b. The general effect of the proposed special land use on adjoining lands and surrounding neighborhoods, including nearby residential lands, if any.

In approving any such special land use, in whole or in part, the Planning Commission may impose such conditions, limitations and restrictions as the Planning Commission and its reasonable discretion determines necessary or appropriate for the carrying out of the intent or purposes of the applicable commercial district.

**EE. Private Non-Commercial Airfields.** (Amended February 8, 2000)

1. Any buildings, hangars, or other structures associated with the use including runways and taxi areas shall be at least 60 feet from any lot line. Additional setbacks for runways, taxi areas, hangars and other buildings or structures may be required by the Planning Commission after considering adjacent uses, number of buildings, size, and height.
2. If the use is proposed on a parcel that is five miles or less from a public use airport, Michigan Aeronautics Commission approval shall be required.
3. The applicant shall provide sufficient evidence that the Federal Aeronautics Administration (FAA) has been properly notified and FAA Form 7460 (Airspace Notification), as amended, has been submitted and all other requirements of the FAA have been met.
4. A minimum lot size of 40 acres shall be required for such use.

5. One single family residence shall be permitted on the same parcel as the use. The owner/operator of the airstrip shall reside on the same parcel as the use.
6. Runway or taxi strip lights shall be limited to low level/timed lighting installed to deflect glare away from adjacent property.
7. Hanger(s) and other buildings associated with the use may be permitted where approved by the Planning Commission after considering appropriate size and height.
8. The site plan submitted for review and approval shall include in addition to the requirements of Chapter 14, a layout of the proposed runways, taxi strips, parking areas, hangers and other buildings, and the height and size of all buildings and structures.

**FF. Retail Sales Establishments Where the Total Area of the Principal Buildings, Accessory Buildings and Structures Exceed Fifteen Thousand Square Feet or Where the Business is Not Conducted Entirely within an Enclosed Building.** (Amended November 2001, March 13, 2007)

1. Public access to the site shall be located at least 100 feet from any intersection, as measured from the nearest right-of-way line to the nearest edge of said access.
2. Side yard setbacks shall be not less than 50 feet.
3. The site design requirements of Section 10.04.N, lighting plans and a landscaping plan shall be provided. The Planning Commission may require a traffic study.
4. The Planning Commission may require a six-foot high fence or wall along the rear and/or sides of the lot or parcel, in order to prevent trash, paper and other debris from being blown off the premises.
5. The Planning Commission may permit parking in the front yard. Parking shall be set back at least 50 feet from the front and side lot lines where there is no service drive. If there is a service drive, parking shall be set back at least 25 feet from the service drive.
6. Mechanical rooms and off-street loading areas shall be set back at least 100 feet from any residential district or residential use property line.
7. Any off-street loading area facing a residential district or residential use shall be screened by landscaping or by a site-obscure wall or fence, of at least six feet in height, as approved by the Planning Commission. Off-street loading areas shall not be located within any required yard or in the front yard.
8. Any lot or parcel on which such use is conducted shall have at least 300 feet of frontage on an arterial street as designated by the master plan or on a county arterial road or state trunkline highway.

GG. **Feed Store.** A feed store, for purposes of this section, shall be a store offering for sale primarily fodder and animal feed, including silage and pelleted feeds, oils and mixed rations, used specifically to feed domesticated animals and livestock. Wood pellets, animal supplements and accessories pertaining to the feed, such as feed suppliers, may be offered as a secondary component of this commercial enterprise.

1. The minimum lot size shall be five acres.
2. A lot shall be located so that at least one side abuts an arterial street and all access shall be from such arterial street.
3. All lighting shall be fully shielded so as to not shine upon neighboring properties.
4. All loading activities and required parking areas shall be provided on the same premises. All loading and parking shall occur on the premises and not on adjacent streets or rights-of-way.
5. All sales and storage shall be within a completely enclosed building; provided, however, notwithstanding the foregoing, an outside display area for goods and products may be permitted if designated on an approved site plan. Such storage area shall be on a hard-surfaced area of asphalt, concrete 22A gravel, crushed concrete or limestone. Further, outside storage may be permitted if adequately screened. Outside storage shall not be located in the front yard or in any minimum setback area. All goods and products located outside, whether in the display area or being stored outside, shall be bagged or packaged or shall otherwise be sufficiently contained so as to prevent any deleterious health condition, vermin infestation, adverse effect upon adjacent properties or adverse effect upon the groundwater. Such goods and products when located outside shall be maintained in an orderly fashion and shall be stacked or located in a safe manner.
6. The building or buildings, and all other facilities, shall comply with all construction and building code requirements. The site plans shall be sealed and the use classified by an architect, engineer or other appropriate professional.
7. All driveways, parking, loading, storage and vehicular circulation areas shall be paved. The design of each such area shall be considered as part of the site plan review.
8. All refuse collection facilities shall be screened from view by adequate fencing.
9. All storage and materials shall comply with applicable health department regulations regarding sanitation and general health conditions.
10. All operations of the feed store shall be conducted so as to ensure that noise, odor, dust and other nuisances are not created and are not an unreasonable disturbance to neighboring properties.

11. Feed or fodder shall not be processed or manufactured at this location. All feed, pellets or similar loosely-packaged materials shall be sufficiently contained so as to prevent any deleterious health condition, vermin infestation, adverse effect upon adjacent properties or adverse effect upon the groundwater. (Added June 14, 2011)

HH. **Cultivation, Sale and Distribution of Medical Marijuana.** (Repealed January 9, 2018)

II. **Boarding Stables and Riding Stables (Including Riding Academies).** (Added May 2015)

1. **Minimum Property Required.** No less than five acres shall be required plus at least one-half acre for each additional horse more than five horses, calculated based on the number of horse stalls or the maximum number of horses that can be accommodated. The Planning Commission may reduce this acreage requirement upon proof from the applicant that the lot size will be adequate so as to maintain the horses in proper fashion, including care and exercise of the horses, safeguarding the welfare and interest of neighboring properties and management of odors, waste and other aspects of the special land use.
2. **Accessory Use.** The use may be accessory to a residential use of the land or accessory to some other permitted principal use.
3. **Minimum Setback.** All buildings, arenas, exercise areas or other areas in which animals are kept shall be located at least 50 feet from the nearest property line.
4. **Adverse Effects.** The special land use shall not have material adverse effects on adjacent or nearby lands or streets by reason of odor, dust, noise, storm water drainage or other adverse effects.
5. **Waste Management.** Manure shall be stored, managed and removed in a manner that minimizes off-site odors, contamination of storm water runoff or other adverse effects. The applicant shall submit a waste management plan, to be approved by the Planning Commission in its discretion. On-site storage of waste, if permitted, shall be within an area which is screened from the view of neighboring properties and streets. The storage facility shall prevent the contamination of storm water runoff and shall, if possible, be covered in a manner that permits adequate ventilation but otherwise reduces odors and prevents storm water runoff.
6. **Maximum Building Size.** The total ground floor area of all buildings shall not exceed 40% percent of the area of the subject property or 15,000 square feet, whichever is larger.
7. **Compliance with Regulations, Laws.** The boarding stable or riding stable, and the keeping of horses, shall comply in all respects with the requirements of the Kent County Health Department and applicable state and federal regulations

regarding on-site septic systems, water supply wells, groundwater protection, manure management, and the keeping of animals.

8. **Parking.** There shall be adequate off-street parking for motor vehicles, including trucks and trailers. This shall include not less than one off-street parking space provided for every two animals, based on the number of horse stalls or the maximum number of horses that can be accommodated.
9. **Corrals and Pens.** Paddocks, turnout areas, pens, corrals, and other areas in which horses may be located or ridden shall be designated on the site plan and shall comply with the requirements of the Planning Commission. The type of fencing, the location and size of pens, corrals and gates, the adequacy of areas for snow removal and storage, the types of shelters for horses, the assurance of safety for horses and persons on the premises and other matters with respect to the design, layout, construction, maintenance and operation shall be addressed as part of the special land use permit.
10. **Signs, Lighting and Landscape.** All signs, lighting and landscape shall comply with applicable Township zoning ordinance requirements.
11. **Fencing.** Fencing shall be provided for all enclosures and shall be maintained at not less than four feet in height and not more than six feet. Fencing shall be constructed of wood, chain link, wire, masonry or other suitable materials. Electrified fencing is permitted. Barbed wire fencing is not permitted.
12. **Horse Stalls.** All horses shall be sheltered in separate stalls that are at least 10 feet by 10 feet in area.
13. **Shows and Events.** Western, dressage, hunt, rodeos, conferences, animal shows and similar types of shows, competitions or events may not be held at an indoor or outdoor riding facility on the premises unless the Planning Commission has reviewed and approved, in advance, a site plan that would accommodate such activities. The site plan shall include the following:
  - a. A report of the hours of operation and types of activity to be conducted at the horse show facility. This shall include, if requested by the Planning Commission, a parking and traffic circulation study provided by the applicant, to assist the Planning Commission to determine that parking and circulation requirements have been safely met.
  - b. Events that include spectators and participants shall only be conducted during evenings and on weekends. Parking relating to such activity shall be accommodated on the site and not on other properties or streets. Parking areas shall be at least 25 feet from any property line and shall be properly graded and designated.
14. **Maintenance.** All stalls and corrals shall be consistently cleaned of manure, soiled bedding and other materials and maintained with preservatives so as to



maintain the appearance of the premises and prevent deterioration, insects, vermin or odors.

15. **Containment Devices.** Substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to horse areas located in such a manner as to be inaccessible to animals and small children for the prevention of animal and unauthorized entry.
16. **Drainage.** All areas adjacent to any housing, stall, corral or other building or structures in areas where horses are kept and maintained shall be graded to drain away from such facility so as to prevent ponding and insect harborage. Grading for areas to be used for temporary storage of manure shall be governed by the manure management plan approved by the Planning Commission.

JJ. **Race Track Areas.** A race track area, as defined in this paragraph, may be permitted in the AR Agricultural Residential District or in the HC Highway Commercial district as a principal use upon receipt of special land use approval. The Planning Commission may approve a proposed special land use only if the applicant meets each of the following criteria: (Adopted January 3, 2018)

1. The proposed use is a track, area or artificial or natural feature to be used for racing, practicing, exhibition, competition, trials, gatherings or repetitive riding of motorcycles, off-road vehicles, snowmobiles or other motorized vehicles, such as a motocross track, mud bog or similar use, whether or not on a commercial basis.
2. Not more than one family may reside on the premises as a caretaker of the facility, and the Planning Commission shall determine that the residential use is an accessory use to the race or track facility.
3. The race track area and associated facilities must be at least 100 feet from any residence on the property and at least 300 feet from any existing building on adjacent property or 100 feet from any property line or street right-of-way, whichever is greater.
4. Any store, drinking establishment or other use conducted in conjunction with the race track area must be found by the Planning Commission to be an accessory use to the race track area and must be within a building which is at least 300 feet from any existing building on adjacent property or 100 feet from any street right-of-way line or property line, whichever is greater.
5. There shall be adequate parking, with a maximum expected number of persons using the race track area. All such parking areas and all areas designated for vehicle traffic shall be paved with either asphalt, concrete or crushed gravel.
6. The proposed race track area use shall be conducted only between the hours of 9:00 a.m. and 7:00 p.m.
7. The proposed race track area activities shall be conducted no more than 10 days over the course of any calendar year.

8. The operation of any motorcycle, snowmobile, all-terrain vehicle, off-road vehicle or other vehicle shall not cause loud or unnecessary grating, grinding, rattling or other unreasonable noises including the noise resulting from exhaust. Any such noise that is clearly audible from nearby properties and which is at a level or frequency that would ordinarily be disturbing to the quiet, comfort or repose of other persons shall be deemed to be an unreasonable noise. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain such a device so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
9. Yelling, shouting, hooting, singing or the operation of a loudspeaker or any instrument or device on the property during such activities shall not be permitted if such noises would upset or disturb the quiet, comfort or repose of any persons on nearby properties or in the vicinity.
10. Landscaping and screening may be required in the discretion of the Planning Commission. The Planning Commission shall consider the topography, existing ground cover and proximity of the facilities to adjacent properties when making its determination.

**KK. Agritourism Event Business.** An agritourism event business may be permitted by the Planning Commission in the AR District as a special use. No parcel may be used for such purposes in the Township unless the Planning Commission finds all of the following conditions and requirements are met:

1. Additional Information. An application for an agritourism event business, in addition to the requirements of Section 16.02, shall include a complete description of the proposed use, services, events, programs, and activities to be provided, proposed hours of operations, and any other information necessary to properly convey the nature of the agritourism event business proposed.
2. Minimum Parcel Size. The agritourism event business shall be located on a parcel of no less than 40 acres. The Planning Commission may modify the minimum acreage requirement for a particular use upon a finding that the use is compatible with adjacent or nearby properties and may be conducted in compliance with the other standards in the ordinance on less than 40 acres. The size and capacity of the buildings, parking area, and sanitation facilities shall be capable of safely handling the events on the property.
3. Use of Non-farm Property. While the agritourism event businesses are ordinarily intended to supplement farm businesses, an Agritourism event business may, with Planning Commission approval, be conducted on a non-farm property if the Planning Commission determines the property is (a) compatible with Section 5.02.A farm uses, (b) will not have a negative impact on nearby properties, (c) will not result in appreciable loss of usable farmland, and (d) satisfies the other requirements for an Agritourism event business.

4. Operation by Occupants. The person who operates the Agritourism event business shall have a primary residence on the property. This is not intended to prevent the use of caterers or others to perform functions under the supervision of the operator of the business. The Planning Commission may modify this requirement in cases where it determines that the applicant/operator lives in the vicinity and the applicant establishes that the property will be closely monitored during all events, in a manner substantially the equivalent as oversight by a person living on the property. To assure continued compliance with this provision, notification of all transfers of property associated with an agritourism event business special land use shall be given to the Township Zoning Administrator 30 days prior to any such land transfer.
5. Food and Beverage Service. Food and beverage service shall be provided by caterers, and not at a full-scale kitchen on the premises. Alcohol service is permitted by licensed caterers in compliance with the Michigan Liquor Control Code. This is not intended to prevent warming, storage or other equipment to assist the caterers in their operation.
6. Time of Events. All events shall be completed by 11:00 p.m. and guests, employees, contractors and maintenance staff shall also vacate the premises not later than 11:00 p.m. Alcohol service shall be concluded not later than 10:00 p.m. The Planning Commission may impose more restrictive hours of operation if appropriate to protect neighboring properties or land uses.
7. Attendees. The maximum number of attendees allowed as part of any special land use permit shall be specified by the Planning Commission, subject to the further limitation of the maximum capacity of the buildings as permitted by the Michigan Building Code. The Planning Commission may also impose supplemental restrictions, such as a limit prohibiting more than one event with an attendance greater than a specified number of persons in any weekend or limiting the total number of events permitted in a week. For this purpose, a weekend shall be measured as the time between midnight Thursday and the following midnight Sunday.
8. Amplified Music. Any speakers for amplified music shall be permitted only inside a fully enclosed building or structure. Amplified music may not be played later than 10:00 p.m. and shall comply with all Township noise ordinance requirements. In no event shall such music, amplified or not, be reasonably detectable off the property after 10:00 p.m.
9. Parking. Parking shall be provided as shown on the site plan submitted with the special land use application. The Planning Commission shall provide a maximum number of permitted vehicles, shall require appropriate screening, fencing or other landscaping, shall prohibit the parking of vehicles within a specified distance from the right-of-way line of adjacent streets and provide other regulations to assure that vehicles are arranged in a safe manner, consistent with neighboring lands and uses. Any temporary banners, sawhorses, cones or other devices used to mark parking areas and direct traffic will be installed no more than 48 hours

before an event and removed no later than 48 hours after an event. No parking whatsoever shall occur on the adjacent street, all event parking to be off-street parking.

10. Parking Surface. Limited seasonal uses may retain the parking area as a grass surface if maintained in a dust and mud free condition. For more permanent parking, Chapter 15 shall control, except that the Planning Commission may grant a parking modification with respect to the amount of parking area required to be paved, and allow (or require) parking on gravel, crushed concrete, grass, and similar areas, upon finding that paved parking would result in unnecessary amounts of paved parking area for the particular needs of the proposed use and that adequate parking for the agritourism event business on non-paved areas as clearly designated on the site plan, is safe, and is compatible with adjacent or nearby properties. Loss of usable farmland for parking, drives or other aspects of an agritourism event business shall be discouraged, and the Planning Commission shall require the applicant to demonstrate that no more than a minimal amount of tillable or usable farmland will no longer be usable as farmland. Dust and mud conditions shall, in all events, be controlled and avoided.
11. Lighting. Small lantern lights not over eight feet above ground may be used to supplement existing lights. Additional exterior lighting shall only be in compliance with the Zoning Ordinance and shall require the approval of the Township Zoning Administrator. No lighting shall shine onto adjacent properties. Supplemental exterior lighting shall only be used during scheduled events.
12. Temporary Structures. Any tent or other temporary structure which is constructed in addition to the existing buildings and structures, so as to accommodate an event, shall be installed no more than 48 hours before an event and shall be dismantled and removed no more than 48 hours after an event.
13. Signage. A permanent sign shall be permitted in the same manner as allowed for agricultural uses in the district. Temporary signage providing additional identification of the location and parking areas may be used on the day of the scheduled event.
14. Toilets and lavatory facilities. Toilets and lavatory facilities shall be provided in accordance with the Michigan Building Code, including handicap accessibility when required, but in no event shall less than two separate toilets and lavatory facilities be provided. The applicant may use portable facilities which, if used, shall be located as shown on the site plan.
15. Trash and Refuse. All trash and refuse resulting from events will be removed by the event sponsor or caterer. No dumpster or similar commercial trash receptacle shall be located on the property.

16. Responsible Party. The property owner shall maintain responsibility for operations at the site. The applicant shall designate to the Township a responsible party, who is one of the owners or residents of the property, as a contact in case there are problems during the course of an event. The contact person shall at all times be available on the property during an event or shall designate to the Township the person who shall be at the site, available by phone and responsible (in addition to the named property owner) during an event. The property owner agrees to be responsible for compliance with the conditions of this special land use approval, regardless of whether violations are actually committed by employees, contractors or others.
17. Setback Requirements. All buildings and structures on the site shall conform to the minimum setback requirements of the district in which it is located, unless the Planning Commission imposes a greater setback requirement. An existing legal non-conforming building and structure shall not be used for the Agritourism Event Business if such building or structure does not meet the current minimum setback requirements.
18. Traffic Control and Security. If necessary to ensure that traffic entering or exiting the property moves promptly and safely into and out of the parking area, personnel shall be supplied by the property owner to direct traffic. Also, security personnel shall be provided by the property owner to the extent necessary to ensure good order and safety are maintained during all events.
19. Compatibility of Uses. The business shall not be incompatible with other allowed uses in the vicinity, as determined by the Planning Commission. The agritourism event business shall not alter the residential or agricultural character of the site, or have such an impact on adjacent lands, as determined by the Planning Commission.
20. Accessory Buildings. Accessory buildings shall comply with Section 3.07, and may include, but are not limited to: pavilions, gazebos, picnic facilities and restroom facilities.
21. Noise. An agritourism event business, and all uses, events, programs or activities connected with the agritourism event business, shall not create, assist in creating, continue or permit the continuation of any excessive or unnecessarily loud disturbances.
22. Compliance with Laws and Regulations; Permits and Insurance. All required federal, state, county and local permits for each use, event, program or activity, shall be secured and maintained by the applicant, including but not limited to the following:
  - a. All buildings, including but not limited to barns, used in the agritourism event business, shall be insured. In addition, buildings, including but not limited to barns, shall not be used in the agritourism event business until documentation is provided to the Township from a certified engineer that

the building so used is structurally sound and safe for the proposed activity. In addition, all buildings used in the agricultural event business shall be inspected by and shall pass inspection by the Township building and electrical inspectors for all proposed uses of the building for the agricultural event business.

- b. Food provided for the agricultural event business shall be prepared offsite by a licensed caterer in accordance with Kent County Health Department requirements.
  - c. Alcoholic beverages shall not be provided unless the permit holder secures and maintains an appropriate license from the Michigan Liquor Control Commission.
  - d. Kent County driveway permits are necessary for ingress and egress from the site.
  - e. All buildings and structures shall be kept in compliance with applicable building and construction codes.
23. Inspections, Fees and Escrow. The applicant shall submit an escrow fee, in an amount determined by the Township Board, which shall be deposited in the Township's General Fund, or in such other Township fund as is established for other zoning fees. The Township Board shall also establish an inspection fee by resolution. Each time the applicant's property is inspected, the Township may apply the escrow funds to the inspection fee. The Township Board may also apply the escrowed funds to any costs incurred by the Township in consultation with the Township engineer, building or electrical inspector or similar consultant costs. Upon expenditure by the Township under the terms of this section, the Township may notify the applicant, in writing if the escrow funds are depleted below \$500, in which case the applicant shall pay to the Township promptly, but in any event not later than 30 days after such notification, sufficient additional escrow monies so as to increase the amount of the escrow fund to the amount specified by the Township. The applicant hereby expressly grants the Township and its representatives, including inspectors, access to the property, including access before, during and after events, so as to assure compliance with the requirements of this section, including but not limited to issues concerning noise, hours of operation, traffic, security, trash and refuse, availability of a responsible party, and other matters.
24. Schedule of Events. The applicant shall submit to the Township Board, no less than 14 days in advance, a schedule of events to be conducted on the property. This shall be an ongoing requirement. The applicant shall include the nature of the event, the time, date and approximate hours the event is expected to take place, and the approximate number of persons expected to be on site for such event.

25. Additional Requirements. The Township Zoning Administrator shall be expressly authorized to impose additional conditions and limitations upon the operation of the business concerning traffic, traffic patterns, parking arrangements, noises and disturbances and other operational aspects based on experience with the operation.
26. Violations. Violation of the conditions of an approving resolution for a special land use under this subpart shall constitute a violation of the Township Zoning Ordinance. Repeated or serious violations of the conditions of the approving resolution are grounds for revocation of the special land use, following notice and public hearing by the Planning Commission. The requirements of this section all be incorporated into the approving resolution for the special land use and compliance herewith shall be a continued requirement for operation of the special land use.

LL. **Lakefront Accessory Lots.** A Lakefront Accessory Lot is a lot which may contain an accessory building or a private boat launch, or both, even if such Lakefront Accessory Lot does not contain a principal building or use. The Lakefront Accessory Lot shall satisfy each of the following requirements: (Added March 12, 2019)

1. Second Lot. The owner of the Lakefront Accessory Lot also owns a second lot containing a conforming dwelling or other principal use and one or both of the lots is located in the R-3 Waterfront District and fronts on a navigable lake within the Township.
2. Minimum Distance between Lots. The two lots are located within 300 feet of each other, measured at their nearest points.
3. Restrictive Covenant. A restrictive covenant, approved by the Township Attorney, shall be recorded prohibiting either lot to be sold separately from the other lot. This provision shall be enforceable by the Township and any violation shall be a violation of this zoning ordinance.
4. Accessory Building Regulations. The Lakefront Accessory Lot shall not contain more than one accessory building and no accessory building located on the Lakefront Accessory Lot shall be less than 200 square feet in size. The accessory building shall not exceed 12 feet in height, shall comply with all laws, regulations and restrictions, and shall not be used for residential or living quarters. With respect to setbacks, the accessory building shall comply with all required setbacks, and with respect to any lakefront yard, shall not be located closer than the minimum front yard setback for a principal building in that district.
5. Boat Launch Regulations. Any boat launch on a Lakefront Accessory Lot shall only be for private use of the lot owners and guests, and shall not involve commercial use.

6. Parking Regulations. No more than three motor vehicles, with or without trailers, may be parked on a Lakefront Accessory Lot at any time. Any vehicle must be parked within an approved parking space or driveway.



**CHAPTER 17  
BOARD OF APPEALS**

**(Amended March 2009)**

**SECTION 17.01 CREATION OF ZONING BOARD OF APPEALS.**

The Zoning Board of Appeals (the “Board of Appeals”) is hereby created. The Board of Appeals shall have the authority and responsibilities conferred by law and this Ordinance.

**SECTION 17.02 MEMBERSHIP.**

The Board of Appeals shall consist of five members. The members shall be appointed by affirmative majority vote of the total number of members of the Township Board.

- A. One member of the Board of Appeals shall be a member of the Township Planning Commission.
- B. One member of the Board of Appeals may be a member of the Township Board.
- C. The members of the Board of Appeals other than those stated in A and B shall be electors of the Township residing within its zoning jurisdiction.
- D. There may be not more than two alternate members of the Board of Appeals, appointed in the same manner as regular members of the Board of Appeals. They shall be electors of the Township residing within its zoning jurisdiction. They shall have the authority and duties stated in Section 17.13.
- E. An employee or contractor of the Township shall not serve as a member of the Board of Appeals.

**SECTION 17.03 TERMS OF OFFICE.**

A member of the Board of Appeals shall have a term of office of three years and until the member’s successor is appointed and qualifies; provided, however, that the terms of the members first appointed shall be for varying numbers of years, none of them exceeding three, so as to provide for differing expiration dates of members’ terms.

- A. The terms of the Board of Appeals members who are a Township Board member and a Planning Commission member shall coincide with their respective terms as members of those bodies.
- B. A member of the Board of Appeals may be reappointed.
- C. A vacancy in the office of a member of the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as an original appointment is made.

**SECTION 17.04 JURISDICTION.**

- A. The Board of Appeals shall act upon all questions arising in the administration of the Zoning Ordinance, including interpretation of the Zoning Map and the text of the Zoning Ordinance.
- B. The Board of Appeals shall hear and decide all appeals from any order, decision or determination made by the Zoning Administrator or other person authorized to enforce the provisions of this Ordinance.
- C. The Board of Appeals shall hear and decide all matters assigned to it for decision under the terms of this Ordinance.
- D. The Board of Appeals shall have no jurisdiction or authority over or with regard to the following:
  - 1. Any aspect or part of an application for approval of a special land use or planned unit development.
  - 2. An appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.
- E. An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from; provided, however, that if the body or officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in such certification, a stay would in the opinion of the body or officer cause imminent peril to life or property, then such proceedings may be stayed only by a restraining order issued by the Board of Appeals or the circuit court.

**SECTION 17.05 TYPES OF AVAILABLE RELIEF.**

The Board of Appeals shall have authority to hear and decide appeals and other applications for relief as follows:

- A. Questions that arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps.
- B. All questions which are referred to the Board of Appeals or upon which the Board of Appeals is required to pass under this Zoning Ordinance.
- C. Appeals from and review of any administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of this Zoning Ordinance.
- D. Cases in which it is alleged that there are practical difficulties or unnecessary hardship in carrying out the literal requirements of this Ordinance by reason of (i) the exceptional narrowness, shallowness or shape of a lot or parcel of land; (ii) exceptional topographic conditions or (iii) extraordinary dimensional conditions of land, buildings or structures.

**SECTION 17.06      DIMENSIONAL VARIANCES.**

If an applicant seeks a dimensional variance from the provisions or requirements of this Ordinance because of dimensional characteristics of a lot or parcel of land, or because of exceptional topographic or similar conditions of the land, buildings or structures, the applicant shall demonstrate through competent, material and substantial evidence on the record that each one of the following exist:

- A.      That the enforcement of the literal requirements of this Ordinance would involve practical difficulties.
- B.      That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- C.      That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
- D.      That the authorizing of such variance will not be of substantial detriment to other lands and uses and will not be contrary to the spirit and purpose of this Ordinance.

An affirmative vote of a majority of the members of the Board of Appeals is required to grant a dimensional variance.

In approving a dimensional variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest.

**SECTION 17.07      USE VARIANCES.**

If an applicant seeks a use variance from the provisions or requirements of this Ordinance, the applicant shall demonstrate, and the Board of Appeals shall make findings based upon competent, material and substantial evidence on the whole record that each one of the following exist:

- A.      That the enforcement of the literal requirements of this Ordinance would cause unnecessary hardship.
- B.      That exceptional conditions or extraordinary circumstances exist which are unique to the land, structures or buildings involved, and which are not so general or recurrent in nature so as to make reasonably practicable an amendment to this Ordinance.
- C.      That literal interpretation of the provisions of this Ordinance would deprive the applicant of a substantial property right commonly enjoyed by other properties in the same zoning district.
- D.      That the authorizing of such variance will not be of substantial detriment to the adjacent and nearby properties and will not be contrary to the spirit and purpose of this Ordinance.

- E. No nonconforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a variance.

An affirmative vote of two-thirds of the members of the Board of Appeals is required to grant a use variance.

In approving a use variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest.

**SECTION 17.08 TIME LIMITATIONS ON VARIANCES.**

Each variance granted under the provisions of this chapter shall automatically expire one year from the date granted unless:

- A. The construction authorized by such variance or permit has been commenced within one year after the granting of the variance and is progressing toward completion; or
- B. The applicant has applied to the Board of Appeals for an extension and the Board finds that extenuating circumstances have prevented completion of the authorized work, or the Board otherwise determines that an extension is justified. Any request for such an extension shall be considered at a public meeting of the Board of Appeals, but a public hearing shall not be required.

**SECTION 17.09 APPEALS AND OTHER APPLICATIONS FOR RELIEF.**

- A. An appeal from an order, decision or determination by the Zoning Administrator or other person authorized to enforce or administer this Ordinance may be taken by any person aggrieved by such order, decision or determination.
- B. An application for an appeal, a variance or other authorized relief shall be accompanied by payment of the required application fee.
- C. An application or appeal shall be filed not later than 30 days after the order, decision or determination as to which the application or appeal is taken.
- D. An applicant seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of an application form provided by the Township and shall pay the required application fee and deposit any required sum into a Township escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.
- E. The application shall include an accurate drawing, drawn to scale or otherwise showing all relevant dimensions, depicting the proposed construction or other undertaking as to which relief or other action by the Board of Appeals is requested. Prior to the matter being scheduled for hearing by the Board of Appeals, the application and the drawing shall be submitted to the Zoning Administrator, for review of the drawing and the dimensions and other factual matters indicated in or arising out of the application and the

drawing. After review, the Zoning Administrator shall submit a report to be forwarded to the Board of Appeals, stating the Administrator's findings as to the factual matters contained in the application materials. Upon the forwarding of such report to the Board of Appeals, the matter shall be scheduled for public hearing if all other required matters are in order.

- F. After an application for an appeal, a variance or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the Zoning Administrator shall forward to the Board of Appeals the application or notice of appeal and other materials comprising the record of the matter from which the application or appeal is taken. The application or appeal shall be scheduled by the Board of Appeals for a public meeting or, if required, for a public hearing, within a reasonable time. Any required notice of hearing shall be given in accordance with this Ordinance.

**SECTION 17.10 DECISIONS OF THE BOARD OF APPEALS.**

- A. The Board of Appeals shall decide all applications and appeals within a reasonable time.
- B. The Board of Appeals may reverse or affirm, in whole or in part, or may modify, the order, decision, or determination that is being appealed. For such purpose, the Board shall be deemed to have all the powers of the Township officer or body from whom the appeal was taken. In its decision, the Board of Appeals may direct the issuance of all relevant Township permits.
- C. In cases of alleged practical difficulties or unnecessary hardship, the Board shall, if relief is warranted, grant only such relief as is necessary to relieve the practical difficulties or unnecessary hardship. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the circumstances. The Township building official shall incorporate the terms and conditions of the Board of Appeals' decision in any permit issued to the applicant pursuant to the decision.
- D. A decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, that a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, as provided in Section 17.15.
- E. The members of the Board of Appeals who are members of the Township Board and of the Planning Commission, respectively, shall not participate in or vote on matters that the members previously voted on in their respective capacities as Township Board member or Planning Commission member.

**SECTION 17.11 OFFICERS.**

- A. The Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.
- B. If a Board of Appeals member is a Township Board member, that member may not serve as chairperson of the Board of Appeals.

- C. An officer of the Board of Appeals shall have a term of one year and until the officer's successor is elected and qualifies. An officer may be reelected.
- D. An alternate member of the Board of Appeals shall not be eligible for election as an officer of the Board, but an alternate member who is called upon to serve as a member of the Board in the absence of a regular member who is an officer of the Board may, while serving, carry out the duties of the officer in whose absence the alternate member is serving.

**SECTION 17.12 MEETINGS AND PROCEDURES.**

- A. The Board of Appeals shall adopt bylaws and rules of procedure for the conduct of its meetings and related purposes.
- B. The Board of Appeals shall conduct business only when a majority of its members is present, including any alternate member serving in the absence of a regular member in accordance with Section 17.13. Three members shall constitute a quorum.
- C. At the first meeting of each calendar year, the Board of Appeals shall adopt a schedule of regular meetings; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.
- D. The Board of Appeals may convene special meetings at such times as it shall determine.
- E. The Board of Appeals shall conduct a public hearing on an appeal of an administrative order, decision or determination, or on an application for an interpretation of this Ordinance or the Zoning Map.
  - 1. Notice of the public hearing shall be given by one publication of a notice of hearing in a newspaper of general circulation in the Township, at least 15 days before the date of hearing.
  - 2. Notice of the public hearing shall also be given by personal delivery or by U.S. mail to the owner of property that is the subject of the application and to all persons to whom real property is assessed within 300 feet of the subject property; provided, however, that if the application does not involve a specific parcel of property, notice need be given only to the person making the application, in the manner stated above, and by publication in the manner stated in subparagraph 1.
  - 3. Notice of the public hearing, and the extent and manner of providing such notice, shall also comply with Section 18.10.

**SECTION 17.13 ALTERNATE MEMBERS.**

- A. The Township Board may appoint not more than two alternate members of the Board of Appeals, in the same manner as regular members are appointed.

- B. An alternate member may serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings.
- C. An alternate member may also serve as a member of the Board for the purpose of reaching a decision in a case in which a regular member has abstained because of conflict of interest.
- D. An alternate member who is called to serve in a case before the Board shall serve in the case until a final decision is made, whether at one or more meetings.
- E. An alternate member of the Board of Appeals has the same voting rights as a regular member of the Board.

**SECTION 17.14 REMOVAL OF MEMBERS; CONFLICTS OF INTEREST.**

- A. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written statement of the reasons or grounds for the proposed removal and after a public hearing by the Township Board. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board.
- B. A member of the Board of Appeals shall disqualify himself or herself from voting on a matter in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office.

**SECTION 17.15 APPEALS FROM DECISIONS OF THE BOARD OF APPEALS.**

- A. Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court. As provided by law, the circuit court shall review the record in the case and the decision of the Board of Appeals for the purpose of ensuring that the decision complies with all of the following requirements:
  - 1. That it complies with the Constitution and laws of the state.
  - 2. That it is based upon proper procedures.
  - 3. That it is supported by competent, material and substantial evidence on the record of the Board of Appeals.
  - 4. That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.
- B. If, as provided by law, the circuit court finds the record inadequate to accomplish the required review, or if the court determines that additional material exists that with good reason was not presented, the circuit court is authorized by law to order further Township proceedings in the matter. In such further proceedings, the Board of Appeals may modify its findings and decision as a result of the additional proceedings, or the Board may

affirm its original decision. The record and decision in such further proceedings shall be filed with the circuit court. As provided by law, the court may affirm, reverse or modify the decision of the Board of Appeals.

- C. An appeal from a decision of the Board of Appeals shall be filed within 30 days after the Board of Appeals issues its decision in writing signed by the chairperson, if there is then a chairperson, or signed by another member of the Board of Appeals, if there is then no chairperson, or within 21 days after the Board of Appeals approves the minutes of the meeting at which its decision was taken.



**CHAPTER 18**  
**ENFORCEMENT AND ADMINISTRATION**

**SECTION 18.01 REPEAL OF PRIOR ORDINANCE.**

The Zoning Ordinance previously adopted by the Township on November 28, 1977, and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

**SECTION 18.02 INTERPRETATION.**

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

**SECTION 18.03 REMEDIES AND ENFORCEMENT.**

Any building or structure which is erected, moved, placed reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

**SECTION 18.04 PUBLIC NUISANCE, PER SE.**

Any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**SECTION 18.05 PERFORMANCE GUARANTEES.**

- A. The Zoning Administrator, Planning Commission, Zoning Board of Appeals and Township Board are each empowered, under various provisions in this zoning ordinance, and under this provision, to require a performance guarantee in an amount equal to the estimated cost of improvements associated with a proposed project which is the subject of such guarantee, together with an estimated amount for administrative, legal and other review and oversight expenses reasonably estimated to be incurred. The Township shall specify the form of the performance guarantee, which may in the Township's discretion be in the form of a bond, cashier's check, cash or other suitable negotiable security. The performance guarantee shall be self-renewing until such time as the project is completed.
- B. Such performance guarantee shall be deposited with the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan, on a timely basis. If such improvements are not fully completed on a timely basis, as determined by the Township, such security shall be forfeited to the Township, either in whole or in part.
- C. The Township may rebate a proportional share of cash deposits, or release a portion of such other performance guarantee on a partial basis, if requested to do so by the depositor, based on partial completion of the improvements. Any requests shall be attested to by the depositing party and verified by the Zoning Administrator. Nevertheless, the Township shall have no obligation or authority to return or release partial payments if it chooses not to do so. For private street improvements, sanitary sewer systems and other circumstances where proper completion of performance may not be readily ascertainable upon completion of construction, the Township may retain the performance guarantee for a period after completion of the required improvements. That period after completion will normally be no greater than one (1) year, unless the applicable Township body (Zoning Administrator, Planning Commission, Zoning Board of Appeals or Township Board requiring the performance guarantee) makes a finding that such performance guarantee should be continued for a longer period of time.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the performance guarantee may be used by the Township to first pay all administrative expenses, including legal fees, engineering requirements and other review expenses, and to complete the required improvements. The balance, if any, shall be returned to the depositor.

**SECTION 18.06      RIGHTS AND REMEDIES.**

The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

**SECTION 18.07      SEVERABILITY.**

The ordinance and various chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any chapter, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

**SECTION 18.08      GENERAL RESPONSIBILITY.**

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the ordinance and said Board is hereby empowered, in the name of Solon Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Kent County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

**SECTION 18.09      ENACTMENT.**

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective 30 days following publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Solon Township. The effective date of this Zoning Ordinance is October 19, 1995.

**SECTION 18.10      PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING. (Amended March 2009)**

Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- A. The notice shall be published once, at least 15 days before to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel of land; for all planned unit development and special land use applications; and for other zoning applications as to which a public hearing is required, a notice of public hearing shall be personally delivered or shall be mailed by first-class U.S. mail to the following persons, at least 15 days before the date of the public hearing:

1. The applicant; the owner of the subject property, if different from the applicant.
2. All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application.
3. One occupant of each dwelling unit in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property.
4. The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notice at the primary entrance of the building, but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.

If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all persons stated above in this subsection.

C. The notice of public hearing shall include the following information:

1. A description of the application or request.
2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
3. The date and time when the application or request will be considered; the location of the public hearing.
4. The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.

**CHAPTER 19  
AMENDING THE ZONING ORDINANCE**

**(Adopted March, 2009)**

**SECTION 19.01      INITIATION OF AMENDMENTS.**

Amendments to this Ordinance may be initiated by the Township Board or Planning Commission by resolution or by any interested person or persons by petition to the Township Board.

**SECTION 19.02      AMENDMENT PROCEDURE.**

All petitions for amendments to this Ordinance shall be in writing, signed, and filed in triplicate with the Township Clerk for presentation to the Township Board. Such petitions shall include the following:

- A.     The petitioner's name, address and interest in the petition, as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
- B.     The nature and effect of the proposed amendment.
- C.     If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned.
- D.     The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
- E.     The changed or changing conditions in the area of in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
- F.     All other circumstances, factors, and reasons which the petition offers in support of the proposed amendment.

**SECTION 19.03      CONSIDERATION OF PROPOSED AMENDMENT.**

The Planning Commission shall determine the date, time and place for a public hearing on a proposed amendment in this Ordinance; provided, however, that the Planning Commission, after consideration at a public meeting, may determine not to convene a public hearing on a proposed amendment in the text of this Ordinance.

- A. With respect to an amendment as to which the Planning Commission determines to convene a public hearing, notice of the public hearing is to be given in accordance with Section 18.10 of this Ordinance.
- B. The Planning Commission shall hold the public hearing. The Commission shall receive such public comment and review such reports and other materials as it deems appropriate in the circumstances. The Commission may make non-material changes in a proposed amendment, in its discretion or in response to public comment or otherwise, and the Commission may freely correct typographical or other non-substantive errors.

If the Commission desires to make material changes in the text of the proposed amendment, it shall first establish a date, time and place for a new or supplemental public hearing on the amendment as it is proposed to be materially changed.

- C. After its decision, the Planning Commission shall forward its decision and the proposed amendment to the Township Board with its recommendation for approval or denial.
- D. Upon receipt of a zoning ordinance amendment recommendation from the Planning Commission, the Township Board shall consider the proposed amending ordinance at a public meeting. The Township Board may hold a public hearing on the amending ordinance if it determines to do so, but such a hearing is not required, except that when the Township Board is considering a planned unit development, a public hearing is required in accordance with the procedures of Section 13.08 of this Ordinance. The public hearing conducted by the Township Board with respect to a planned unit development shall satisfy the requirement for a public hearing at the Planning Commission level, as otherwise provided in this Section 19.03. If such a public hearing is held by the Township Board, notice thereof shall be given in the same manner as is required by the terms of this Ordinance for a Planning Commission public hearing on an ordinance to amend the text of this Ordinance or the Zoning Map. If it desires, the Township Board may refer any proposed amending ordinance to the Planning Commission for further consideration and comment within a time specified by the Township Board, but the Township Board is not required to do so.
- E. If an interested property owner requests a hearing by the Township Board on a proposed Zoning Ordinance amendment, and if such request is in writing and is sent by certified U.S. mail, addressed to the Township Clerk, the Township Board shall convene such a hearing. In that case, written notice of the date, time, place and purpose of the hearing shall be given to the requesting property owner in the same manner and to the same extent that notice of a Planning Commission public hearing is given to an applicant, but no other notice of the Township Board hearing need be given by publication, U.S. mail or otherwise.
- F. The Township Board may adopt the amending ordinance at any regular or special meeting, by affirmative majority vote of the members of the Township Board.
- G. Except as otherwise provided by law, an ordinance to amend the Zoning Ordinance shall take effect upon the expiration of seven days after publication of the amending ordinance

or seven days after publication of a summary of its provisions in a newspaper of general circulation in the Township, or at such later date after publication as may be specified in the amending ordinance.

The above-stated notice of adoption shall include the following information:

1. A summary of the regulatory effect of the amending ordinance, or the entire text of the amending ordinance; if the ordinance includes an amendment of the Zoning Map, the notice shall indicate the lands affected.
2. The effective date of the amending ordinance.
3. The location where and the time when a copy of the amending ordinance may be inspected or purchased.