ZONING ORDINANCE

52-2010

Monroe Charter Township
Monroe County, Michigan

Monroe Charter Township
Monroe County, Michigan

Zoning Ordinance
52-2010

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ACKNOWLEDGMENTS

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McKenna Associates, Inc.

TOWNSHIP ATTORNEY

E. J. McCormick, Jr.

TOWNSHIP ENGINEER

Dietrich, Bailey and Associates, P.C.

HOW TO USE THIS ORDINANCE

TO FIND OUT WHICH ZONING DISTRICT APPLIES TO YOUR PROPERTY:

Visit the Township offices and find your property on the Official Zoning Map. For more information on the district, look up the specific district use standards in Article 4.

IF YOU HAVE PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

Step 1: Find your zoning district on the Official Zoning Map (available in the Township Hall).

Step 2: Look up the zoning district's purpose and list of permitted uses in Articles 6 and 7.

Step 3: Look up any specific conditions for a particular permitted land use in Article 8 (Use Standards).

Step 4: Look up minimum lot size, building height, yard requirements, and other dimensional standards for the zoning district in Article 5, Schedule of Regulations.

TO DEVELOP PROPERTY OR ESTABLISH A PARTICULAR USE:

Step 1: Go to Section 4.103, Table of Permitted Uses to determine if the proposed use is permitted in the zoning district.

Step 2: Go to Article 8, Use Standards to find design standards for the proposed use.

Step 3: Look up the appropriate zoning district in Article 4 (Dimensional Standards) for details on minimum lot size, required yards, and other district standards. You may also be referred to Articles 8 through 12 for general parking, screening, lighting, and sign regulations.

Step 4: Go to Article 17, Procedures and Standards, Section 17.01, Site Plan Review for details about the approval process. If the proposed use is identified as a "special use," then also look up Section 17.02, Special Uses.

TO REQUEST A VARIANCE FROM THE ZONING STANDARDS THAT APPLY:

The Zoning Board of Appeals is authorized to grant variances from specific regulations of this Ordinance in cases of special hardship. See Section 18.103, Zoning Board of Appeals for more information.

IF YOU WANT TO…

…BUILD A FENCE: See Section 3.304, Fences

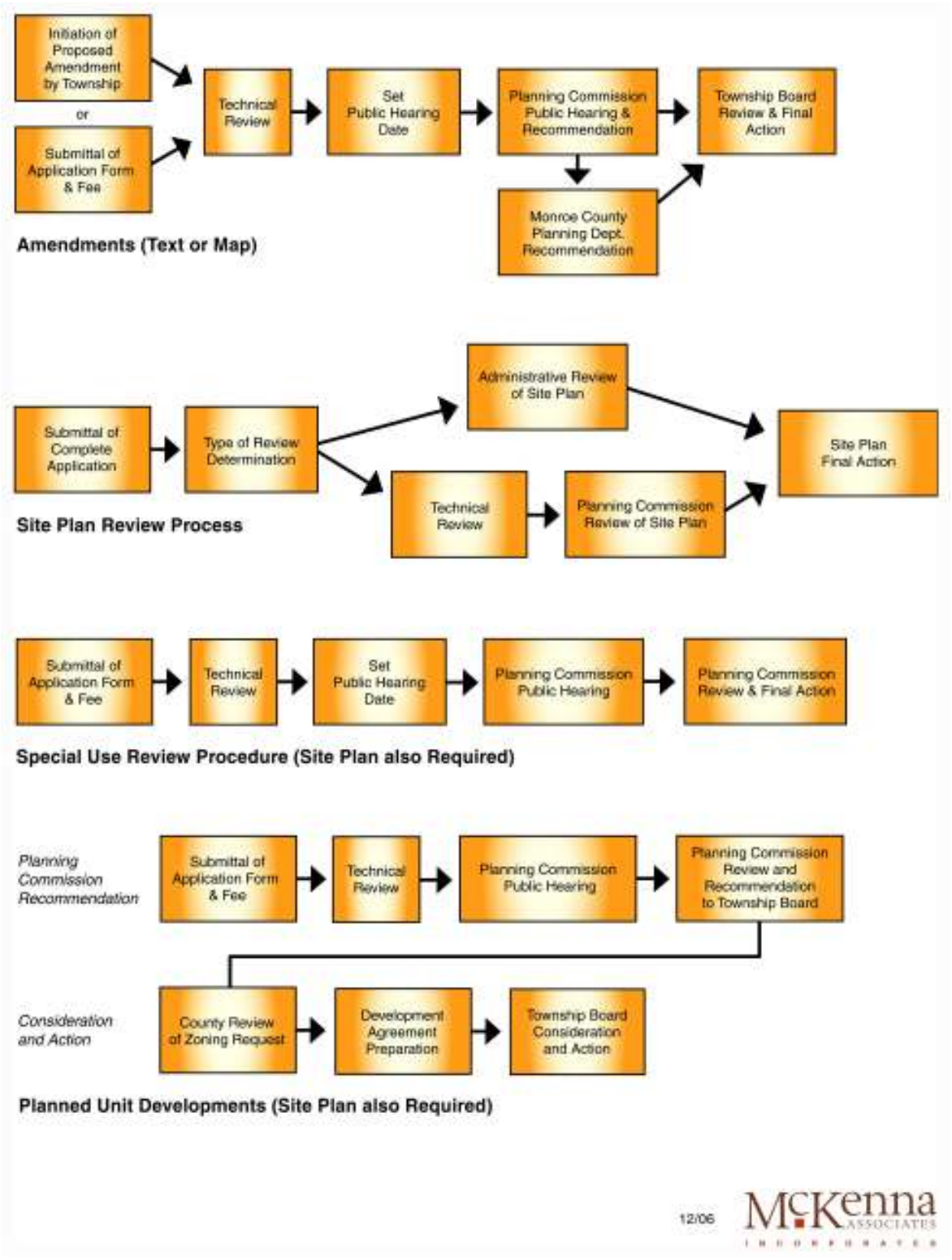
…INSTALL A SIGN: See Article 11, Signs

…BUILD A GARAGE, SHED OR POOL: See Section 3.300, Accessory Structures

…BUILD A DECK, PATIO OR PORCH: See Article 5, Schedule of Regulations

SELECTED ZONING ORDINANCE REVIEW PROCEDURES:

The following are some of the common types of development review and use approval procedures required under this Ordinance:



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Notice of Adoption

Article 1
INTENT AND SCOPE

Section 1.01 Intent and Purpose

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. This Ordinance is based on the Monroe Charter Township Master Plan, and is intended to carry out the objectives of that Plan.

This Ordinance has further been established for the purposes of:

1. Regulating the intensity of land use to promote and protect the public health, safety, and general welfare;
2. Providing for the general or basic needs of agriculture, recreation, residence, and commerce;
3. Providing adequate light, air, privacy, and convenience of access to property;
4. Promoting healthful surroundings for family life in residential and rural areas;
5. Fixing reasonable standards to which structures and other site improvements shall conform;
6. Prohibiting certain uses or structures within specific zoning districts;
7. Preventing the overcrowding of land by regulating the use, height, location, and bulk of buildings in relation to the surrounding land;
8. Providing for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses;
9. Defining the duties and responsibilities of the Planning Commission and the powers and duties of the Zoning Board of Appeals under this Ordinance;
10. Designating and defining the powers and duties of the zoning official(s) in charge of the administration and enforcement of this Ordinance;
11. Providing for the payment of fees for zoning permits and approvals required by this Ordinance; and
12. Providing for penalties for the violation of this Ordinance.

Section 1.02 Scope

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for the preservation, protection, and promotion of the public health, safety, convenience, comfort, and general welfare.

2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance, subject to the following:

   a. Private deed restrictions or restrictive covenants shall have no effect on the applicability of this Ordinance.

   b. Where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules or regulations, the requirements of this Ordinance shall govern.

3. **Unlawful structures and uses.** A structure or use not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance.

4. **Vested right.** Nothing in this Ordinance shall 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. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.03 Short Title

This Ordinance shall be known and may be cited as the Monroe Charter Township Zoning Ordinance.

Section 1.04 Enabling Authority

This Zoning Ordinance has been prepared and adopted under the authority of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. This Ordinance was adopted by the Monroe Charter Township Board of Trustees, following compliance with all procedures required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

Article 2
DEFINITIONS

Section 2.01 Rules of Construction

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary; the word “may” is permissive and discretionary.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
5. The word “building” includes the word “structure.” The word “build” includes the words “erect” and “construct.” A “building” or “structure” includes any part thereof.
6. The word “dwelling” includes “residence.” The word “lot” includes the words “plot” and “parcel.”
7. The term “act” or “action” includes “omission to act.”
8. The word “used” includes “arranged,” “designed,” “intended,” or “occupied.”
9. The terms “Zoning Ordinance” or “this Ordinance” includes the Zoning Ordinance of Monroe Charter Township and any amendments thereto.
10. The terms “abutting” or “adjacent to” includes land across a zoning or governmental boundary, property line, road, alley, dedicated right-of-way or access easement.
11. The phrase “such as” shall mean “such as but not limited to,” and the words “include” or “including” shall mean, “including but not limited to.”
12. The word “person” includes an individual, firm, association, organization, corporation (public or private), partnership or co-partnership, Limited Liability Company, incorporated or unincorporated association, trust or any other entity recognizable as a “person” under the laws of Michigan.
13. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions or provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows:
    a. “And” indicates that all the connected items, conditions, provisions or events shall apply.
    b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
14. Words or terms defined in this Article shall be construed as defined herein. Words or terms not defined in this Article shall be defined in terms of their common or customary usage.
15. Terms referred to in the masculine gender include the feminine.
16. Unless otherwise stated, the word “days” shall mean calendar days; “month” shall mean any consecutive period of 30 calendar days; and “year” shall mean any consecutive period of 365 calendar days.

Section 2.02 Definitions

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

Access Management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Adult Day Care Facility. A facility which provides care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

Adult Foster Care Facility. An establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

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

B. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

C. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

D. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.

Adult Entertainment Use. Any business that primarily features sexually stimulating material or performances, including the following uses:

A. **Adult Arcade**. Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."

B. **Adult Book or Video Store**. An establishment having a substantial portion equaling more than 20 percent of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds 10 percent of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.

C. **Adult Entertainment Cabaret**. A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, that provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.

D. **Adult Model Studio**. Any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

E. **Adult Motel**. A hotel, motel or similar commercial establishment that rents or otherwise permits a room to be occupied for a period of less than 10 hours.

F. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

G. **Adult Theater**. A theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear in a state of nudity or features live performances that are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."

1. **Adult Motion Picture Arcade or Miniature-Motion Picture Theater**. Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."

2. **Adult Motion Picture Theater.** A commercial establishment that regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities or "specified anatomical areas."

H. **Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.

I. **Nude Modeling Business Studio.** An establishment where an employee or entertainment personnel performs a massage or "specified sexual activities" while appearing in a "state of nudity," "simulated nudity" or while displaying "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.

J. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to "specified anatomical areas" or as part of, in connection with or related to "specified sexual activities" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.

K. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:

1. **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.

2. **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:

   a) Genitals, whether or not in a state of sexual arousal;
   b) Pubic region or pubic hair;
   c) Buttock(s);
   d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
   e) Any combination of the above.

3. **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."

4. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.

5. **Specified Anatomical Areas.** Portions of the human body defined as follows:

   a) Less than completely and opaquely covered;

      i Human genitalia and pubic region;
      ii Buttock and anus; or
      iii Female breast below a point immediately above the top of the areola.

   b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

6. **Specified Sexual Activities.** The explicit display of one or more of the following:

   a) Human genitals in a state of sexual stimulation or arousal;

   b) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;

   c) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;

   d) Human excretory functions as part of or as related to, any of the activities described above;

   e) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.

7. **Substantial Portion.** A use of activity accounting for more than 20 percent of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.

Airport, Private or Public. The use of land for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo and all appurtenant areas used or acquired for airport buildings or other airport facilities.

Alterations.

A. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.

B. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.

C **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

Animal. Any nonhuman members of the animal kingdom.

A. **Domestic.** Any non-wild animal customarily kept by humans for companionship, including dogs, cats, birds, rabbits, rodents, turtles, fish, non-poisonous snakes or lizards, and the like.

B. **Domestic fowl.** Domesticated birds commonly used for eggs or meat. Domestic fowl include, but are not limited to, chickens, ducks, geese, and turkeys.

C. **Wild or exotic**. Any animal that is wild by nature and not customarily domesticated, or an animal so designated by Monroe County Animal Control.

Appeal. An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.

Automobile. Any non-commercial motorized vehicle used primarily for the transportation of passengers, including cars, light trucks, vans, motorcycles, and the like, unless specifically indicated otherwise.

A. **Automobile-oriented use.** Any place of business that primarily provides automobile-related services and/or that provides goods or services to customers while in an automobile. Such uses include those listed below.

B. **Automobile detailing shop.** A commercial establishment that provides services such as application of paint protectors, interior and exterior cleaning and polishing, and installation of after-market accessories including tinting, spoilers, sunroofs/moon-roofs, headlight covers, car alarms, CB radios, stereo equipment, or cellular telephones. Automobile detailing does not include car wash, engine degreasing, or similar automobile cleaning services.

C. **Automotive repair garage/shop/station.** A commercial establishment that provides major or minor repair services for automobiles, trailers, recreational vehicles, motorcycles, or similar non-commercial motor vehicles, but excludes dismantling, wrecking, or salvage.

   1. **Major repair service.** Includes general repair, rebuilding, or reconditioning of engines, transmissions, motor vehicles, or trailers; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; major painting services; or similar servicing, rebuilding, or repairs that normally do require significant disassembly.

   2. **Minor repair service.** Includes the replacement of any part or repair of any part that does not require removal of the engine head or pan, transmission, or differential; engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment and/or balancing; sales and installation of batteries and/or tires; incidental body and fender work; minor painting and upholstering service; or similar servicing or repairs not as part of collision repair that normally do not require any significant disassembly.

D. **Car wash** means a facility for the washing and/or waxing of automobiles but not heavy trucks or commercial fleets.

E. **Gas station or fueling station.** An establishment where motor fuels (including gasoline, diesel fuel, and alternative fuels) and lubricants are sold and/or dispensed as the principal use on the site. Household propane and kerosene sales may be permitted pursuant to this Ordinance.

F. **Gas station with convenience store**. Any commercial establishment that sells both motor fuels and convenience items for which payment may be made inside a structure on the site. Convenience items may include hot or cold beverages, prepackaged food items, and/or self-service food items, but not food prepared on the premises by a person other than the consumer.

G. **Gas station with carryout or fast food restaurant.** Any commercial establishment that sells both motor fuels and food prepared on the premises by a person other than the

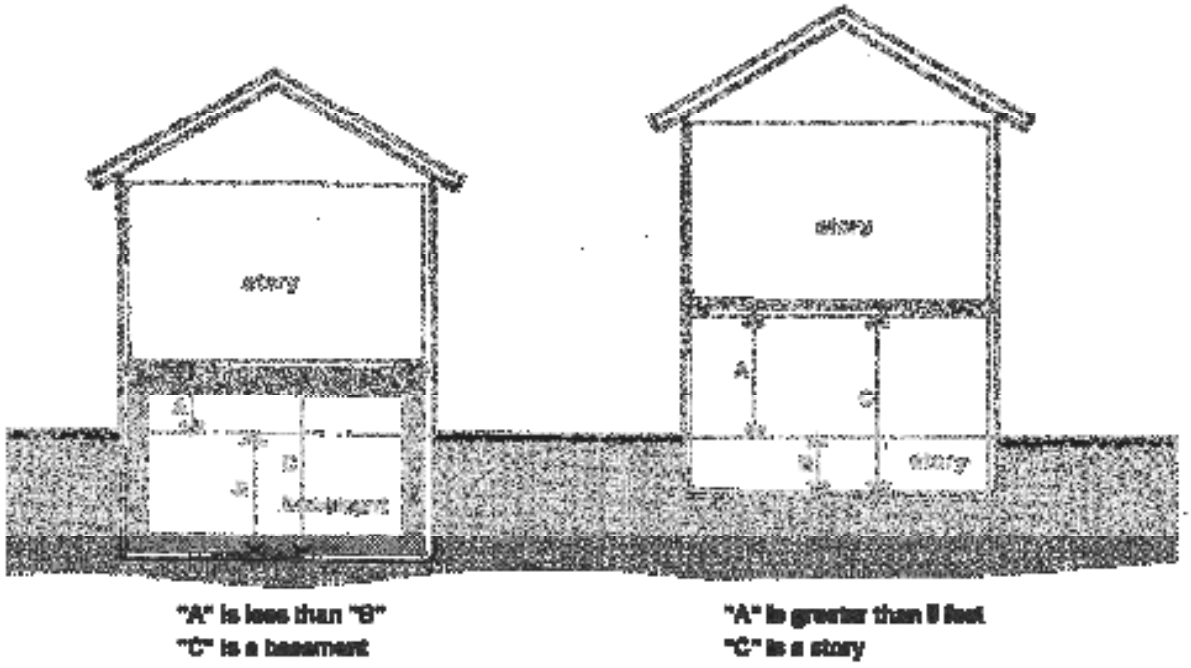
consumer. Convenience items may or may not be available for sale. Seating areas for restaurant patrons may or may not be provided, but no table service shall be provided.

H. **Service station.** Any commercial establishment where motor fuels and lubricants are sold and/or dispensed as the principal use on the site, but which also offers minor repair service (see Automotive repair garage) and/or retail sales of tires, batteries, and other small accessories or parts for motor vehicles.

Automobile dealership. Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles, or similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of vehicles sold or leased by the dealership, provided all such minor repair or service activities occur within an enclosed building.

Awning. Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. (See illustration).



Basement and Story

Bed and Breakfast Inn. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

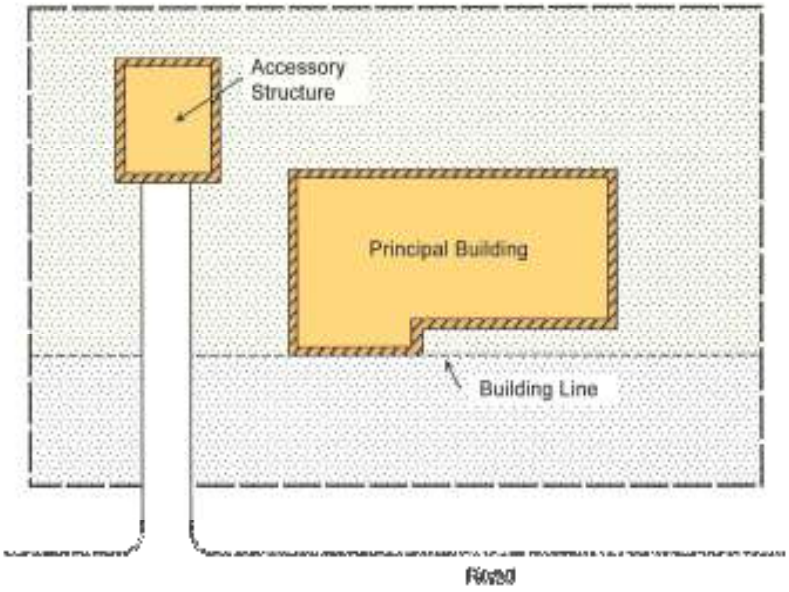
Berm. A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.

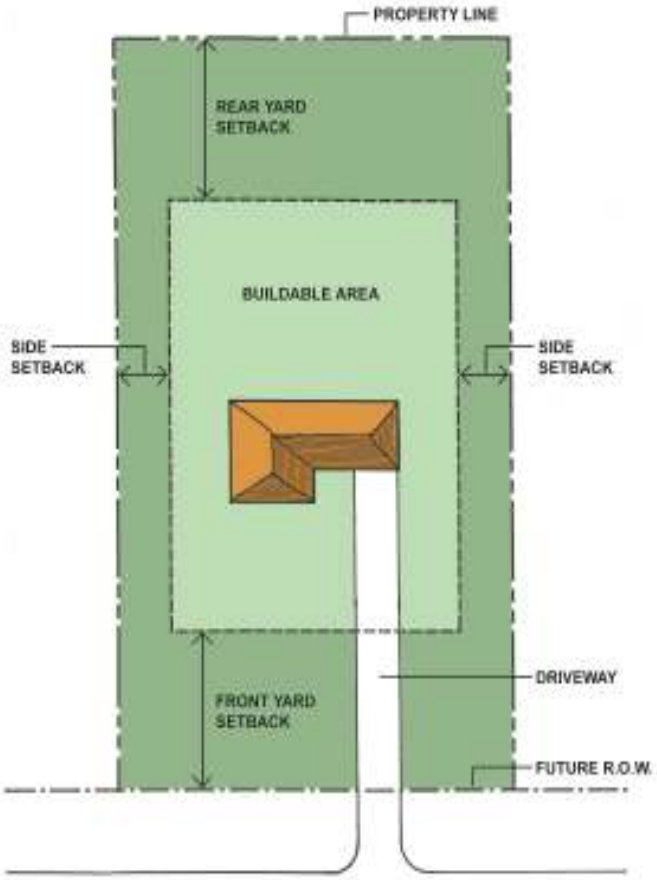
A. **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include but are not limited to: garages, garden equipment sheds, small greenhouses and swimming pool. (See illustration).

B. **Principal Building.** A building in which is conducted the principal use of the lot on which said building is situated. (See illustration).

C. **Building Setback, Building Line, or Building Envelope.** The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front road or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground. (See illustration).



Accessory Structure



Building Envelope

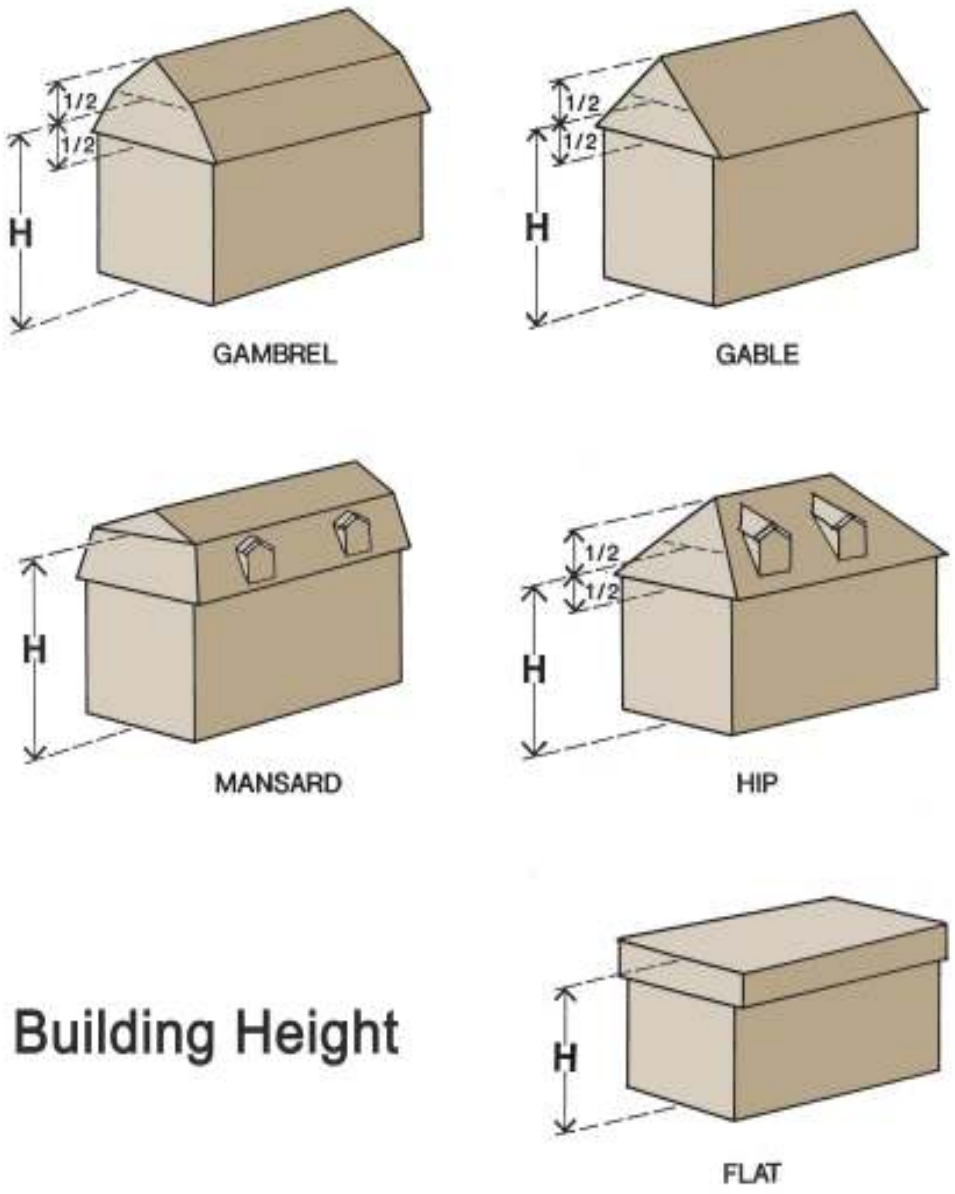
D. **Building Height.** The vertical distance measured from the established grade to a point determined by the style of roof. (See illustration).

Building Official. The person or persons designated by the Township to administer and enforce the provisions of the State Construction Code enforced by the Township.

Caliper. The diameter of a tree trunk measured 18 inches above the ground level. The full caliper of the largest trunk plus half the caliper of the other trunks determine the caliper of a multiple-trunk tree.

Canal. An artificially constructed or excavated channel intended to connect two bodies of water; used for navigation purposes or boat docks, as a means of ingress or egress to other bodies of water, or for building lots on the banks thereof, shall be known as a canal and must have a minimum width of 75 feet and a minimum depth of water at the centerline of 10 feet. All banks must be at a minimum angle of 45 degrees and completely grassed to prevent wash or erosion thereof.

Caretaker Living Quarters. An attached independent residential dwelling unit where one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.



Child Care Organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of 18 years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Child care organizations are classified below:

A. **Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the

number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

B. **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster care facility in which a child has been placed.

C. **Family Child Day Care Home**. A private home, as licensed by the State of Michigan, in which up to six (6) 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.

D. **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

E. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

F. **Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to 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.

Church, Temple, Place of Worship or Religious Institution. A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

Church, Large-scale. A religious institution with a seating capacity of 1,500 people or more in its sanctuary or main area of assembly. A large-scale church may also be characterized by any one (1) or more of the following features:

1. Region-serving accessory facilities, such as high schools, colleges and seminaries;
2. Parking for 500 passenger vehicles or more;
3. One (1) or more buildings with 100,000 square feet or more of gross floor area; or
4. Other features, such as: large size of assemblies and resultant traffic surges, large off-street parking lots, retreat and conference centers or a major institutional character.

Civic Club. A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit. See also **Lodge**.

Common Land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned development.

Condominium. A condominium is a system of separate ownership of individual units or multiple-unit projects according to the State Condominium Act, Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

A. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act, Public Act 59 of 1978, as amended.

B. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.

C. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

D. **Site Condominium.** All allocation or division of land permitted under the Condominium Act, Public Act 59 of 1978, as amended, which permits single family detached housing pursuant to a master deed.

E. **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

F. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act, Public Act 59 of 1978, as amended.

G. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.

H. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.

I. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.

J. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.

K. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.

L. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Congregate Living Dwelling. A building or portion thereof containing living units designed for occupancy by senior citizens and special needs persons living independently of each other, except

that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.

Conservation Easement. A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.

Contractor's Yard. A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Convalescent or Nursing Home. A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.

Corner Clearance Area. A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.

Cul-de-Sac. A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.

Curb Cut. The ingress and egress for a property provided for vehicular traffic to or from a public or private thoroughfare.

Deceleration Lane. An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Deck. A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.

Demolition. An act or process that destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units per net acre of land.

Detention basin. A facility designed for holding storm water runoff for a limited period before releasing it to a natural watercourse.

Development. The construction of new structures or other site improvements on a zoning lot; relocation, alteration or expansion of an existing building; or the use of open land for a new use.

Diameter Breast Height (D.B.H.). The diameter of a tree measured in inches at 4½ feet above the existing ground level.

District. A portion of Monroe Charter Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "zoning district."

Drive-In Establishments. A business establishment that provides facilities or spaces for the purpose of serving patrons while they are in a vehicle, rather than within a building or structure.

Driveways. A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.

Dumpster Enclosure. Any exterior space that secures or screens containers, structures or other receptacles intended for temporary storage of solid waste materials.

Dwelling. A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.

A. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.

B. **Accessory Apartment.** A dwelling for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "Mother-in-law" apartment).

C. **Congregate Living Units.** Individual areas within a given congregate living dwelling that provides an enclosed living environment for self-maintenance activities, such as sleeping, grooming, bathing, and toiletry. No more than two (2) persons may permanently occupy each living unit.

D. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.

E. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

F. **Manufactured Home.** A type of manufactured housing structure, transportable in one (1) or more sections, which is built upon 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. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this Ordinance.

G. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.

H. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.

I. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.

J. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.

K. **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane divide dwellings.

L. **Villa.** One of a group of two-family dwellings wherein each dwelling unit is located on its own separate lot. The two (2) dwelling units in a villa share a firewall that is situated along a common lot line. Villa dwelling units are situated side-by-side exclusively, have separate entrances and share no common living or storage space.

Easement. A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead, gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems

therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

A. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.

B. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this Ordinance.

Excavation. The removal, movement or breaking of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

Exception. An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.

Extraction Operation. Any pit, excavation or mining operation for the purpose of searching for, or removing any earth, sand, gravel, clay, stone, or other nonmetallic mineral in excess of 50 cubic yards in any calendar year. The term shall not include an oil well or excavation preparatory to the construction of a building, structure, roadway, or pipeline.

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.

Family. Means either of the following:

A. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Farming and Active Agricultural Uses.

A. **Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.

   1. Farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, livestock production facilities, greenhouses or stockyards, except where such uses are permitted by this Ordinance.

   2. A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those uses permitted by this Ordinance or incidental to the active agricultural use.

3. A farm as defined but not limited to Generally Accepted Agricultural Management Practices (GAAMPS) as determined by the Michigan Commission of Agriculture and as provided in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended.

B. **Farm Buildings.** Any structure, other than a dwelling that is constructed, maintained, and used on a farm, and that is essential and customarily used for agricultural operations.

C. **Farm Labor Housing** or **Migratory Labor Camp**. Temporary facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops.

D. **Livestock** or **Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.

F. **Livestock Production Facility.** The concentrated feeding of farm animals within a confined area or feedlot, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other livestock or fur-bearing animals.

Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vistas or noise; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.

A. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater than 50 percent. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.

B. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than 50 percent for the purpose of obscuring or screening an area from public view.

C. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart, and which does not block vision to an extent greater than 50 percent.

D. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.

Filling. Filling shall mean the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

Flood or **Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of Inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

A. **Area of Special Flood Hazard.** Land in a floodplain subject to one (1) percent or greater chance of flooding in any given year.

B. **Base Flood or 100-year flood**. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

C. **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

D. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raises the water levels.

E. **Flood proofing.** Any combination of structural or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or real property, water and sanitary facilities, structures and their contents.

F. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

G. **Floodplain Fringe Area.** Land areas shown on official flood insurance rate maps between limits of 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one (1) square mile; or areas protected by levees from the base flood.

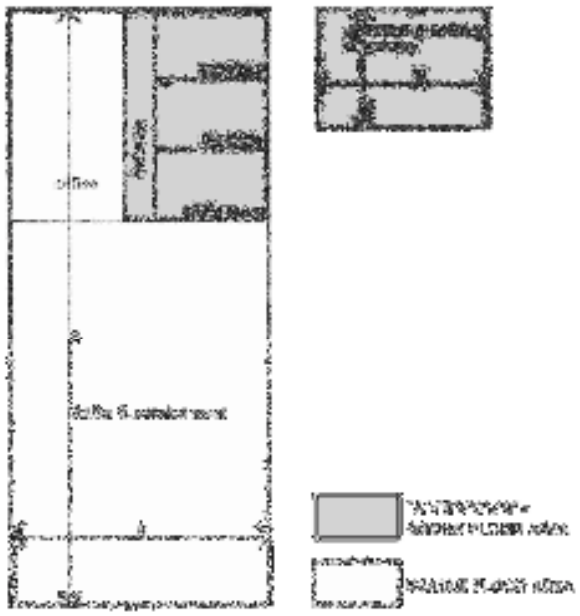
Floor Area. The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a structure used for parking of motor vehicles shall not be computed in the floor area.

A. **Gross Floor Area (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.

B. **Usable Floor Area (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

Frontage. A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.

Garage Sale. The sale of used tangible personal property and household personal belongings of the householder, conducted on an individual lot occupied by the householder's dwelling; and not for the sale, display or trading of manufactured or processed goods or articles of commerce obtained either new or used for the purpose of sale or resale.



Floor Area

Garage, Private. An accessory structure either attached or detached from the principal structure that is used for storage and maintenance of occupant-owned motor vehicles.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. 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.

A. **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a structure.

B. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Greenbelt. A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

Hazardous Materials. Pursuant to the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, P.A. 93 of 1981, as amended:

A. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.

B. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767.

C. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

D. "Petroleum" as defined in the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Home Occupation: Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.

A. **Hobby.** An incidental activity carried on by the occupant of the premises for personal enjoyment, amusement or recreation, where the articles produced or constructed are not sold and the activity is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

B. **Home Office.** An activity by the occupant of the premises within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.

Hospital. An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.

Hotel/Motel. One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.

Improvements. Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety, and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.

Institutional Uses. The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:

1. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
2. Auditoriums, theaters, concert halls, and similar places of assembly.
3. Libraries, museums, and similar centers for cultural activities.
4. Churches, temples, and other places of worship.
5. Post offices.
6. Private clubs, fraternal organizations, and lodge halls.

Junk. Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

Junk Yard or **Motor Vehicle Storage** or **Dismantling Yard.** An open area where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term "junk yard" does not include drop-off stations for residential recyclables.

Kennel. Any building, lot or premises where three (3) or more dogs, cats, or other domestic animals over four (4) months of age or older are kept, or any structure, lot or premises where animals are kept or housed for remuneration. This definition shall not include the raising of animals for agricultural purposes.

Laboratory. A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landfill. A tract of land that is used to collect and dispose of "solid waste" as defined and regulated under the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Lighting. The following definitions are related to lighting:

A. **Fixture.** The assembly that holds the lamp in a lighting system. The fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.

B. **Floodlight.** A fixture or lamp designed to direct light over a broad area.

C. **Footcandle.** Luminance produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.

D. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.

E. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.

F. **Lamp** or **Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.

G. **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.

H. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).

I. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot.

J. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

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

Lodge. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

Lot. A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road. (See illustration.)

A. **Corner Lot.** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.

B. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.

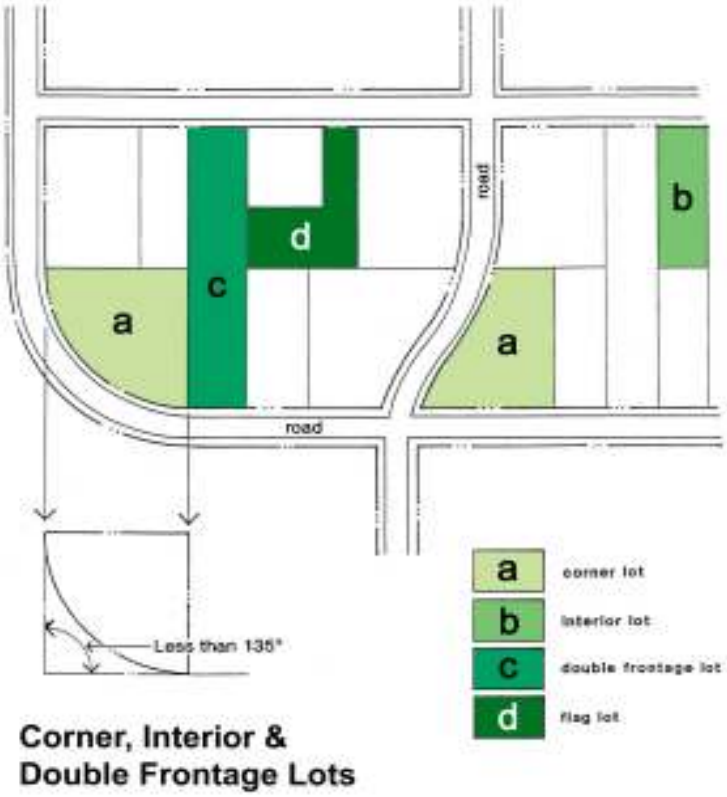
C. **Flag Lot.** A lot that is located behind other parcels or lots fronting on a road but has a narrow extension to provide access to the road.

D. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.

E. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks,

access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:

1. Single lot of record.
2. Portion of a lot of record.
3. Combination of lots of record, or portion(s) thereof.
4. Condominium lot.
5. Parcel or tract of land described by metes and bounds.



Corner, Interior & Double Frontage Lots

Lot Area.

A. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.

B. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

Lot Depth. The mean horizontal distance measured from the front road right-of-way line to the rear lot line.

Lot Line. Any line dividing one lot from another lot or from a road right-of-way or from any public place.

A. **Front Lot Line.** The line separating a lot from a road right-of-way.

1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.

2) Where lots border upon water bodies, the front lot line shall be designated as that line fronting on the water. The opposite yard will be considered the street/road frontage of the lot.

3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.

B. **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

Lot of Record. A parcel of land, the dimensions of which are shown on a subdivision plat recorded in the offices of the Monroe County Register of Deeds and Township Assessor, or a lot or parcel described by metes and bounds, and accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Monroe County Register of Deeds.

Lot Split or **Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds register at the office of the Monroe County Register of Deeds, after approval by Monroe Charter Township.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines. At no time shall the measured lot width be less than ½ the required frontage for ½ of the lot depth.

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach or travel trailers.

A. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

B. **Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

Marina. A boat basin with facilities for berthing and securing various types of recreational watercraft, as well as all other areas confined within its boundaries. A marina may provide supplies, provisions, service, and fueling facilities.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

A. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master Plan. The comprehensive plan of Monroe Charter Township, including graphic and written text indicating the Township's development goals and objectives, planned future use of all land within the Monroe Charter Township, general location for roads, parks, schools, public buildings, and all

physical development, and any portion or amendment to such plan. Such plans shall have been adopted by the Planning Commission, and may or may not be adopted by Township Board.

Mechanical Amusement Arcade. Coin-operated amusement machine or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines or devices.

A. **Mechanical Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or under normal use is designed to have a coin; however, in lieu of a coin, the proprietor may charge a flat rate to use the device.

Mezzanine. An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

Mining. The development or extraction of one or more minerals, including topsoil, sand and gravel, from its natural occurrence on or in land or waters. The term mining shall not apply to on-site activities of a fully permitted and lawful construction project.

Mixed Use. A structure or project containing residential and nonresidential uses.

Motor Home. A self-propelled motorized vehicular unit primarily designed, used or constructed for travel or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."

Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

A. **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB (A).

B. **Day-night average sound level.** The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased 10 dB(A) before averaging.

C. **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

D. **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.

E. **Noise disturbance.** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

F. **Noise sensitive zone.** An area which contains noise-sensitive activities such as but not limited to, operations of schools, libraries, churches, hospitals, and nursing homes.

G. **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency-weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.

H. **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

Nonconformities:

A. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.

B. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.

C. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.

D. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, regulations and codes.

E. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, and regulations.

   1) **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws, ordinances, regulations and codes.

   2) **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws, ordinances, regulations and codes.

Noxious. An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nuisance. Any offensive, annoying, unpleasant or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which prevents the free use of one's property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery. A space, structure or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space; structure used for the sale of fruits, vegetables or Christmas trees.

Obscene Material. As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2 (4), as amended] found to be "obscene" [as defined in MCL752.362.2 (5), as amended].

Occupancy Load. The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.

Open Air Business. A business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, "open air business" shall include:

A. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.

B. Roadside stands for the sale of agricultural products.

C. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.

D. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

E. Motor vehicles, utility trucks or trailers, recreation vehicles sales and display.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.

A. **Conservation easement.** An interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition, as defined in section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

B. **Development rights.** The rights to develop land to the maximum intensity of development authorized by law.

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

D. **Restrictive covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.

E. **Undeveloped state.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area; children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.

Outdoor Sales or Display. The placement or exhibition of products or services on a lot outside of a building.

Outdoor Motor Vehicle Storage or Dismantling Yard. (See Junk Yard)

Outlot. A parcel of land designated on a site plan for future development.

Package Liquor Store. A retail establishment licensed by the State of Michigan where more than 10 percent of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Park. Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.

Parking Lot. A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Parking Space. A space set aside for the sole purpose of parking an automobile on a temporary basis.

Permit, Zoning. Authorization given by the Monroe Charter Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in the Township in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. The term "permit" shall not include permits issued by Monroe County and other county and state authorities with jurisdiction.

Performance Guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and

approved plans and specifications of the development. When all improvements, facilities, or work is completed in conformance with all approvals, the performance guarantee will be returned to the entity that made the deposit.

Pet. (See Animal, Domestic)

Planning Commission. The Planning Commission for Monroe Charter Township, Monroe County, Michigan, as established by Township Board ordinance and authorized by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

Plat. A map of a subdivision of land.

Pond. A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, groundwater or a public or private water distribution system.

A. **Decorative.** An excavated area limited in size to 24 inches in depth and 40 square feet in area, designed to hold water.

B. **Farm.** A natural or artificial basin to provide water to livestock, wild life, fire control, crop and orchard spraying and farm related uses.

C. **Detention.** A natural or artificial basin that temporarily detains storm water at strategic locations.

D **Retention.** A natural or artificial basin for permanent storage of storm water.

E. **Scenic.** A body of water, man-made or natural of three acres or less that provides water for recreation and/or scenic uses.

Private Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Quarry Excavation. Shall mean the removal of any soil or mineral matter for other use, thereby leaving a pit or hole in the earth (see **Extraction Operation**).

Recognizable and Substantial Benefit. A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.

Recreation Facility, Indoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Facility, Outdoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.

Recreational Vehicle / Equipment. A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:

A. **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and

"boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.

B. **Folding Tent Trailer.** A folding structure mounted on wheels and designed for travel and vacation use.

C. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

D. **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.

E. **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

F. **Horse Trailer.** A structure mounted on wheels and designed primarily to be used for the transportation of horses.

G. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.

H. **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

Repair and Maintenance, Ordinary. Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Restaurant. Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.

A. **Tavern (Pub).** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.

B. **Carry-Out Restaurant.** An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state for consumption primarily off the premises.

C. **Cocktail Lounge or Night Club.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

D. **Drive-In or Drive-Through Restaurant.** Any establishment whose method of operation involves delivery of prepared food so as to allow consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in or drive-through restaurant may also have interior seating.

Retail Stores and Retail Sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.

1. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
2. Included in this definition are convenience stores, department stores, variety stores, "big-box" stores (more than 50,000 square feet of total gross floor area), supermarkets, wholesale club stores, shopping centers and shopping malls.
3. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
4. This definition does not include temporary uses, outdoor display or sales areas or adult uses and sexually oriented businesses.

Rezoning. The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.

A. **Conditional Rezoning Agreement.** A written agreement approved and executed by the Township and landowner, incorporating a conditional rezoning plan, and setting forth rezoning conditions and any other terms mutually agreed upon by the parties relative to land for which the Township has approved a conditional rezoning.

B. **Conditional Rezoning Plan.** A plan of the property which is the subject of a conditional rezoning, prepared by a licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature of structures and improvements on and in some cases adjacent to the land subject to conditional rezoning. The details to be offered for inclusion on a conditional rezoning plan shall be determined by the applicant, subject to approval of the Township Board after recommendation by the Planning Commission.

C. **Rezoning Conditions.** Conditions proposed by the applicant and approved by the Township as part of a conditional rezoning approval under this Ordinance, which shall constitute regulations in connection with the development and use of property for which conditional approval has been granted. Such rezoning conditions shall not:

1. Authorize uses or developments of greater intensity or density than are permitted in the district proposed by the rezoning.
2. Authorize uses that are not permitted in the district proposed by the rezoning.
3. Permit uses or development expressly or implicitly prohibited in the conditional rezoning agreement.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.

Road. A public or private thoroughfare or way, other than an alley or access drive, which affords principal means of access to adjacent land.

Roadside Stand. A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not

include the area of a kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Senior Housing. An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:

A. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.

B. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

C. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.

D. **Elderly Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.

E. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.

Setback. The minimum horizontal distance between any building line and all adjacent lot boundaries or road rights-of-way.

A. **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.

B. **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.

Shopping Center. A group of commercial establishments owned and managed as a unit; and related in location, size, and type of shops to the trade area it serves.

Sign. Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

A. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.

B. **Accessory Sign**. A sign that pertains to the principal use of the premises.

C. **Billboard** or **Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."

D. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, and window or related architectural feature.

1. **Awning Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
2. **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
3. **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
4. **Wall Sign.** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than 18 inches from the wall with no copy on the sides or edges.
5. **Window Sign.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.

E. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

F. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.

G. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

H. **Ground or Monument Sign.** A freestanding sign mounted directly to a base with no clearance between the established grade and the bottom of the sign.

I. **Nonconforming Sign.** A sign that was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.

J. **Opinion Sign**. A sign that addresses issues or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services, or businesses.

K. **Pole Sign.** A sign supported by pillars, poles or columns.

L. **Portable Sign.** A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.

M. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.

N. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

O. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.

1. **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per hour.
2. **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by natural, mechanical or electrical means without replacing the sign copy area.

P. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.

Q. **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.

R. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.

1. **Balloon.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.

2. **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.

3. **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.

S. **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.

T. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.

Site Plan. A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.

Stable, Commercial. A structure accessible by the general public in which horses or other domestic animals or livestock used for pleasure riding or driving are housed or kept for hire and may include a riding track, public arena or trail riding.

Stable, Private. A structure accessory to a principal use not accessible by the general public, and used for the exclusive stabling, breeding, care, training or riding of horses or other domestic animals or livestock owned by the occupants or boarded by private arrangement. A private stable may include a private arena used exclusively for the exercising, riding or schooling of animals housed or boarded on-site.

State Licensed Residential Facility. A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act, P.A. 218 of 1979, as amended or Child Care Organizations Act, P.A. 116 of 1973, as amended.

Steep Slopes. Slopes with a grade of 12 percent or more.

Story. That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it. (See illustration.)

1. A mezzanine shall be deemed a full story when it covers more than one-third (⅓) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.

2. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.

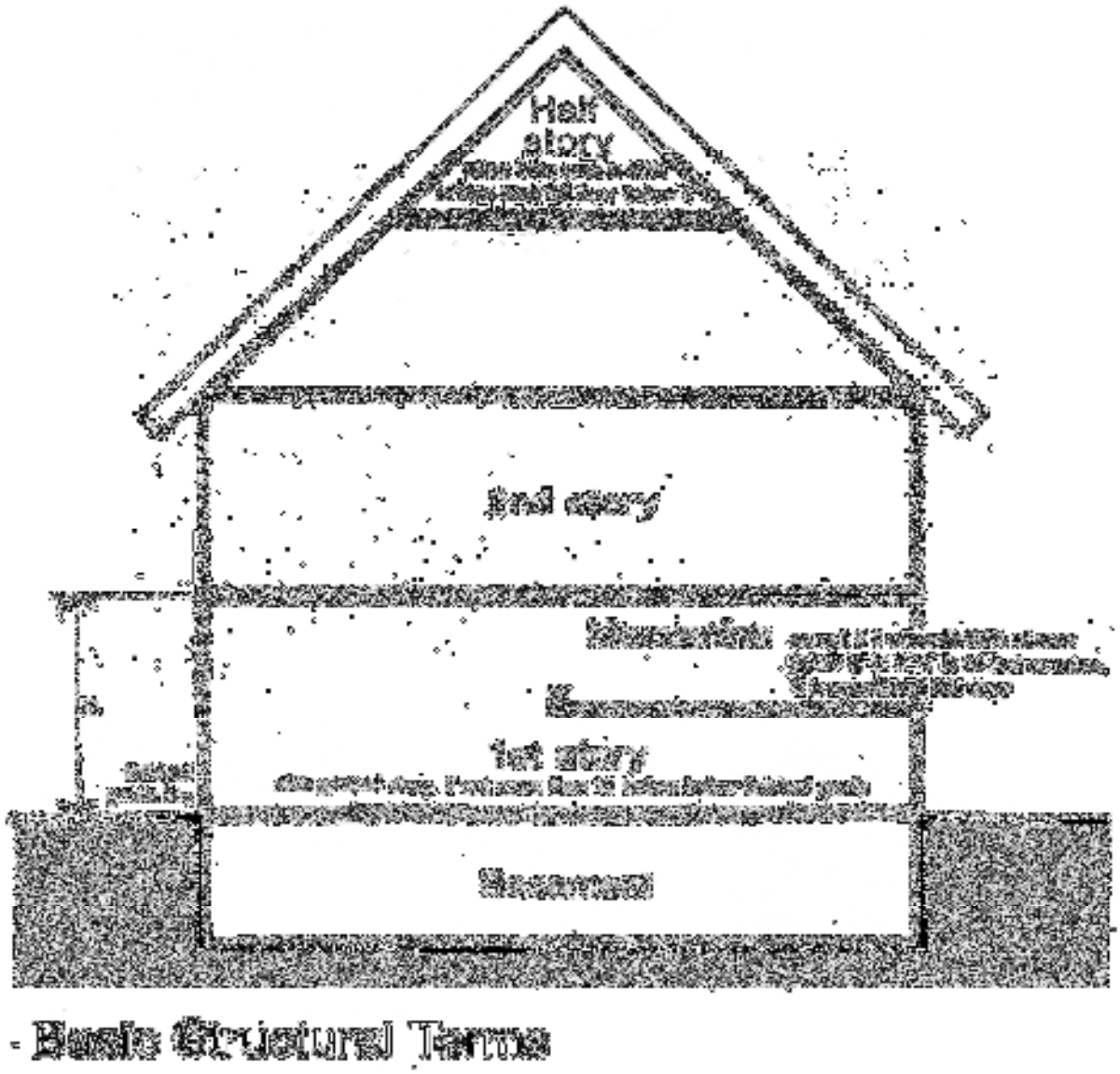
Story, Half. An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance,

the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Stripping Operation. Any activity that removes mineral resources from a parcel.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, above ground swimming pools, radio towers, sheds, signs and storage bins, anything less than eight (8) inches above grade, including but not limited to sidewalks and paving on roads, driveways, parking areas and patios.

Subdivision. A subdivision as defined in the Land Division Act, P.A. 288 of 1967, as amended.



- Basic Structural Terms

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value (for the purpose of this Ordinance, fifty (50) percent of the market value shall be equal to the amount of the State Equalized Valuation) of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged. For the purpose of this definition, a substantial improvement is considered to occur when the first alterations of any structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include (1) any project for improvement of a structure to comply with existing State or Township health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or the State of Michigan Register of Historic Places.

Swimming Pool. Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.

A. **Wading Pool.** Any receptacle utilized for holding water that has a water depth not exceeding two (2) feet and intended for swimming or bathing.

Tattoo Parlor. Any room or space where tattooing is performed for compensation. Tattooing is the placement in or on human tissue of any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments. Tattooing shall include the term body art and body piercing.

Temporary Building and Use. A structure or use permitted by the Zoning Board of Appeals to exist during periods of construction of the main use or for special events, not exceed one (1) year.

Temporary Structure. A structure permitted to exist during periods of construction, special events, and other limited time periods.

Tow Truck Service. Responders and equipment ancillary to tow truck services, prohibited in all residential zoned districts.

Township. The geographical area and governmental entity encompassing Monroe Charter Township, Monroe County, Michigan.

Township Board. The elected Board of Trustees for Monroe Charter Township, Monroe County, Michigan.

Township Engineer. The person or firm designated by the Township to advise the Zoning Administrator, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township.

Township Planner. The person or firm designated by the Township Board to advise the Zoning Administrator, Township Board, and Planning Commission on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

Tract. Two or more parcels that share a common property line and are under the same ownership.

Truck Terminal. The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

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

A. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.

B. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.

C. **Principal Use.** The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.

D. **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.

E. **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.

F. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.

Utility, Public or Private. A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this Ordinance.

Variance. A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

Veterinary Clinic or Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Walls.

A. **Decorative.** A screening structure of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.

B. **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material to serve as a screen in carrying out the requirements of this Ordinance.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands.

Wind Energy Conversion Systems (WECS). Also commonly referred to as a wind energy facility, wind generating tower, or wind-powered generator. It shall mean the combination of:

1. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and

2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and

3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and

4. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.

A. **Anemometer Tower**. An instrument for measuring and recording the speed of wind.

B. **Commercial WECS**. Cluster of up to three wind turbines, placed upon a lot or parcel with the intent to sell to the electrical company or provide electricity to a site or location. Said WECS may or may not be owned by the owner of the property upon which they are placed.

C. **Industry Owned Large Scale WECS**. A group of wind turbines or a wind farm, owned and maintained by an energy company to supply electricity to a wide range of customers.

D. **Shadow Flicker**. Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects.

E. **Small Scale WECS**. Small scale WECS are intended to provide all or a portion of the electrical power needed on a lot or parcel.

Wireless Communications Facility. All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

A. **Abandoned Tower or Antenna.** An antenna that is not operated for a continuous period of 12 months or a tower constructed or maintained without an operational antenna for a continuous period of 12 months shall be considered abandoned.

B. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.

C. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiates or captures electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.

D. **Co-Location.** The location of two (2) or more antenna on a common structure, tower or building.

E. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.

F. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.

G. **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

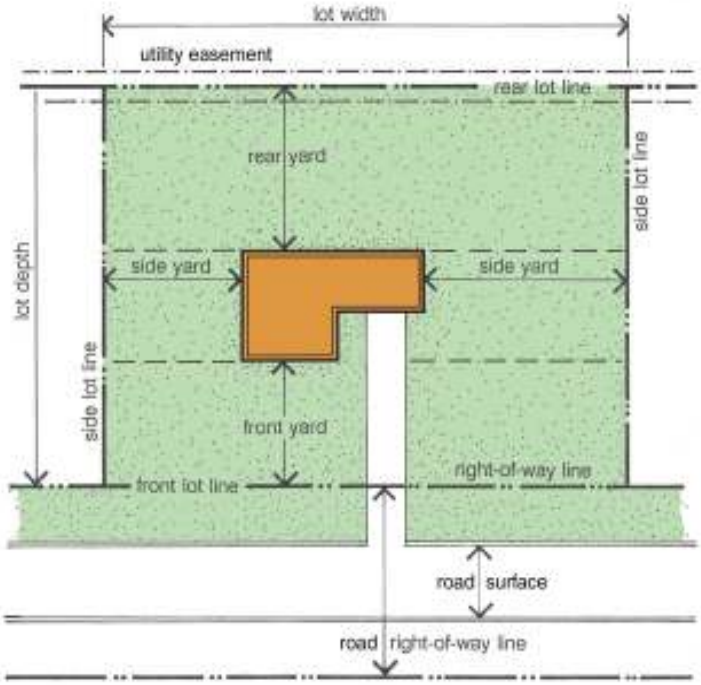
Yard. An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein. (See illustration)

A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.

B. **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

C. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.

D. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.



Yard Terms

Zoning Administrator / Zoning Enforcement Officer. The person or persons designated by the Township to administer this Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, providing staff support to the Planning Commission or Zoning Board of Appeals, sending notices of public hearings, and similar work.

Zoning Board of Appeals. The Zoning Board of Appeals appointed by the Township Board for Monroe Charter Township, Monroe County, Michigan.

Article 3
GENERAL PROVISIONS

Section 3.100 Administrative Regulations

Section 3.101 Scope of Regulations

No building or structure of part thereof, shall hereafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this Ordinance.

A. Vested Right

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 permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservations or protection of public health, safety, and welfare.

B. Unlawful Buildings, Structures, and Uses

A building, structure, or use that did not lawfully exist at the time of adoption of this Ordinance shall not be made lawful solely by the adoption of this Ordinance.

Section 3.102 Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restriction or limitations than are imposed or required by the provisions of any other law or ordinance, then the provision of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

Section 3.103 Voting Place

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

Section 3.104 Essential Public Services and Required Utilities

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance.

Section 3.105 Exemption for Oil and Gas Wells

As provided in Section 205 (2) of Public Act 110 of 2006, as amended, the application of this Ordinance does not apply to the drilling, completion or operation of oil wells, gas wells, or both or other wells drilled for oil exploration, gas exploration purposes or both and the provisions of this Ordinance shall not apply to the issuance or permits for the location, drilling, completion, operation or abandonment of such wells. Full authority over these wells is exclusively vested in the State of Michigan, Supervisor of Wells.

Section 3.200 Floodplain Regulations

Section 3.201 Scope of Regulations

A. Purpose

It is the purpose of the floodplain controls to apply special regulations to the use of land in those areas of the Township which are subject to predictable flooding at frequent intervals and to protect the storage capacity of floodplains and to assure retention of sufficient floodway area to convey flood flows which can reasonably be expected to occur and to better maintain environmental factors and the proper ecological balance through prohibiting unnecessary encroachments. Such regulations while permitting reasonable economic use of such properties, will help protect the public health and reduce financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and the overflow of lands, reserve such areas for the impoundment of water to better stabilize stream flow and to better maintain the proper ecological balance. All lands included in such floodplain control district shall be subject to the restrictions imposed herein in addition to the restrictions imposed by any other zoning district in which said lands should be located.

B. Advisory and Disclaimer Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes, and for promotion of the public health, safety, and welfare, and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes. Approval of the use of land or premises under this Section shall not be considered approved, guarantee, or warranty of safety or suitability. This Ordinance does not imply that areas outside of the floodplain area or land uses permitted within such districts will be free of flooding or flood damage. This Ordinance shall not create liability on the part of Monroe Charter Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

C. Floodplain Areas (Overlay)

The Floodplain Area shall be considered to overlay existing zoning districts and shall constitute additional terms over and above those imposed by the underlying zoning districts. The Floodplain Area within the jurisdiction of this Ordinance is hereby divided into two areas: Floodway Areas and Floodway Fringe Areas. The location and boundaries of the Floodway and Floodway Fringe Areas shall coincide with those locations and boundaries for Floodway and Floodway Fringe Areas as shown on the Flood Boundary and Floodway Map and by the Flood Insurance Rate Map, as published by the U.S. Department of Housing and Urban Development Federal Insurance Administration.

D. General Provisions of both the Floodway and Floodway Fringe Areas of the Floodplain

The following restrictions shall govern development, construction, improvement and relocation within the Floodway and Floodway Fringe Areas of the floodplain.

1. All persons proposing development within the Floodway and Floodway Fringe Areas shall obtain approved permits from those government agencies having jurisdiction over floodplain development. No building permit or certificate of occupancy shall be issued until all other permits have been obtained and have been reviewed by the Building Official.

2. Developers of new, substantially improved or relocated structures within the Floodway and Floodway Fringe Areas shall submit to the Building Department:

    a) The elevation of the lowest habitable floor in the structure, including basement.

    b) The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.

c) Whether or not the structure contains a basement. Details of specifications proposed and as-built drawings shall be kept on record and available for public inspection and for use in determining flood insurance risk premium rates.

3. Persons wishing to develop in areas designated as "A" zones on the Flood Insurance Rate Map (that "A" having no number affixed to the designation) shall provide intermediate regional floodplain elevations with an on-site reference mark set by a registered civil engineer, architect or land surveyor. Such elevations shall be subject to review by the Township Engineer. The Township Engineer's fee is to be paid by the applicant.

4. When floodproofing measures are employed, a registered engineer or architect shall certify that the methods used are watertight and adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and any other factors associated with the intermediate regional floodplain elevation.

5. All new construction and substantial improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.

6. If new and replaced utility, water and sanitary facilities must be located below elevation of the intermediate regional floodplain they shall be constructed so as to be resistant to the effects of buoyancy. All measures to flood proof utility and sanitary facilities are subject to the approval of the Township Engineer.

7. On-site waste disposal systems such as septic tanks and leach fields shall be located to avoid impairment by floodwaters associated with the intermediate regional flood level.

8. The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six (6) months, or landfill or any decomposable material, onto or within those areas defined as Floodway or Floodway Fringe Areas is strictly forbidden.

9. Service facilities such as electrical and heating equipment shall be constructed at or above the intermediate regional flood protection elevation for the particular area or floodproofed.

10. Fill or other materials shall be protected against erosion by riprap, vegetative cover or bulk heading.

11. Should any watercourse relocation or alteration be proposed, notification of the change in the watercourse shall be sent by the developer to all adjacent communities, to the State of Michigan Department of Environmental Quality, and to the U.S. Department of Housing and Urban Development. With the altered or relocated portion of any watercourse the carrying capacity shall be maintained.

12. In no case shall any permanent structure be erected closer than 50 feet to the bank of a river or to the center of any open County drain. A licensed surveyor from official maps maintained by the Township shall determine the bank of a river. The center of public drainage ways shall be determined from legal descriptions that are of public record.

13. All subdivision proposals and proposals for new development shall be designed and located to be consistent with the need to minimize flood damage. In addition, all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

14. Base flood elevation data shall be provided for subdivision proposals and other proposed developments that contain at least 50 lots or five (5) acres, whichever is less.

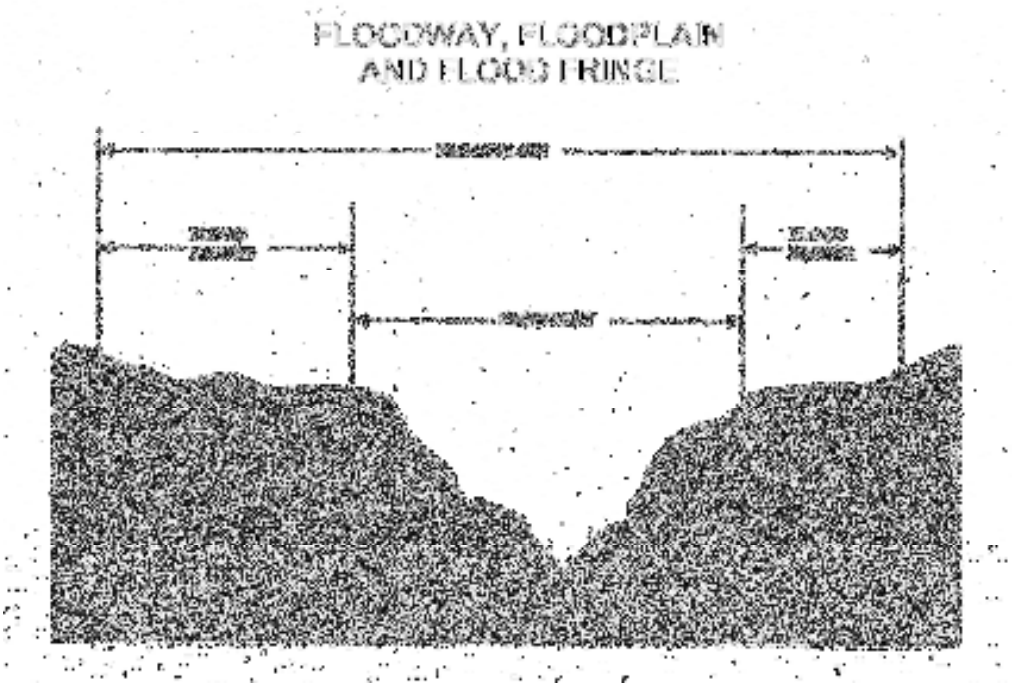
15. Property owners in the Floodway Fringe Area may be permitted to exceed the 12-inch minimum above the crown of the road for grading at the building line, providing the following conditions are met:

    a) For construction of a new building, a drawing shall be submitted to the Building Official prior to the issuance of a building permit, showing how surface water will be shed from said property so as not to permit run-off surface water to flow onto adjacent properties.

    b) Yards shall be sloped down to meet same elevation of all adjoining properties five (5) feet inside the property line.

    c) When building requires filling and grading, special means shall be provided to prevent interference with the natural flow of surface water.

    d) The use of terraces, curbs, retaining walls, and other suitable construction may be approved by the Building Official.



Section 3.202 Floodway Area

A. Permitted Uses

The following uses having a low flood damage potential and presenting no, or minimal obstruction to flood flows shall be permitted within a Floodway Area to the extent that they are not prohibited by the underlying district or any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. Approval from the State of Michigan Department of Environmental Quality is needed for any construction activity that takes place in the Floodway and Floodway Fringe Areas of the Floodplain.

1. Outdoor recreational uses.
2. Necessary open space for Open Space Preservation developments, Planned Developments, and Multiple family developments.
3. Nonstructural agricultural uses.
4. Nonstructural uses incidental to single-family developments.
5. Permitted uses in the underlying zoning district shall not be construed as being permitted in the Floodway Area of the Floodplain unless the use is listed above.

B. Special Uses

The following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan subject to Section 17.02, Special Uses, and provided that such uses shall not in the opinion of the Planning Commission be adverse to the purpose of this Section or damaging to the public health, safety, and welfare; or shall in any manner affect the capacity of the channels or floodways of any tributary, drainage ditch, or any other drainage facility or system.

1. Railroads, streets, bridges, utility transmission lines and pipelines.
2. Marinas, boat docks, piers, and wharves.
3. Extraction of sand, gravel, and other materials.
4. Structures accessory to recreational uses.
5. Parking areas.
6. Other similar uses described above that are consistent with the provisions of this Section.

C. Requirements for Special Use Approval

In addition to the requirements of Section 17.01, Site Plan Review, the applicant for a special approval in the Floodway Area of the Floodplain shall submit the following:

1. A letter of approval from the State Department of Environmental Quality of Michigan.
2. A location map including existing topographic data at two (2) foot interval contours at a scale of one (1) inch representing 50 feet for parcels 10 acres and under, and at a scale of one (1) inch representing 100 feet for parcels over 10 acres.
3. A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits, extent, and elevations of the proposed fill, excavation, and occupation.
4. A statement from the Monroe County Drain Commissioner indicating that he has reviewed and approved the proposal.
5. A statement from the Monroe County Health Department indicating that it has reviewed and approved the proposal.
6. A statement from the Township Engineer concerning feasibility of the proposal and his approval.
7. Any other information requested by the Planning Commission.

D. Standards for Special Approval

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in Section 17.02, Special Uses.

1. Structures shall not be designed for human habitation and shall have low flood damage potential.
2. Structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters and, whenever possible shall be constructed with the longitudinal axis parallel to the flood flow direction.
3. No special approval shall be granted for the development of new structures the substantial improvement or relocation of old structures or development of any kind within the Floodway Area when such development, construction, improvement or relocation would cause any increase in flood level associated with the intermediate regional flood.
4. All new nonresidential structures and nonresidential structures requiring substantial improvements shall have the lowest floor (including basement) elevated to or above the level of the intermediate floodplain or shall be flood proofed to one (1) foot above the level of the intermediate regional floodplain.

Section 3.203 Floodway Fringe Area

A. Permitted Uses

The following uses having a low flood damage potential and presenting no, or minimal obstruction to flood flows shall be permitted within the Floodway Fringe Area to the extent that they are not prohibited by the underlying district or any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. Approval from the State of Michigan Department of Environmental Quality is required prior to development activity taking place in the Floodway and Floodway Fringe Areas of the Floodplain.

1. Outdoor recreational uses.
2. Necessary open space for Open Space Preservation developments, Planned Developments, and multiple family developments.
3. Nonstructural Agricultural uses.
4. Nonstructural uses incidental to Single-family developments.
5. Permitted uses in the underlying zoning district provided that the petitioner submits to the Building Official drawings signed by a registered civil engineer or architect that indicate that the elevation of the lowest habitable floor of the structure will be one (1) foot higher than the elevation of the Floodway Fringe Area or that the structure will be flood proofed to at least the elevation of the Floodway Fringe Area.
6. Accessory structures to permitted uses in underlying zoning districts, provided that they are not utilized for human habitation; they are designed to have low flood damage potential; they are constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters; they are firmly anchored to prevent flotation; and service facilities shall be elevated or flood proofed. Where accessory structures have an assessed value equal to more than 10 percent of the principal structure, as determined by the Township Assessor, they must also satisfy the minimum elevation of floodproofing requirements of the principal structure.

B. Special Uses

The following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan, subject to the specific standards for each particular land use hereinafter itemized and subject to Section 17.02, Special Uses.

1. Railroads, streets, bridges, utility transmission lines, and pipelines.
2. Marinas, boat rentals, docks, piers, wharves.

3. Extraction of sand, gravel and other materials.
4. Accessory structures for recreational uses.
5. Those uses that are permissible with a special use approval to the underlying zoning districts.
6. Dumping or backfilling may occur through compensating excavation and shaping of the Floodway Fringe in such a way as to maintain or improve the flow or natural impoundment capacity of the Floodway Fringe. In no case shall the flow or impoundment capacity of the Floodway Fringe be reduced.
7. Other uses similar in nature to uses described above.

C. Special Use Approval Requirements

In addition to the requirements of Section 17.02, Special Use, the applicant for special use approval shall submit all the information as outlined in Section 3.201 C.

D. Special Use Approval Standards

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in Section 17.02, Special Uses.

1. All new residential structures and residential structures requiring substantial improvement shall have the lowest floor (including basement) elevated to one (1) foot above the level of the intermediate regional floodplain.
2. All new nonresidential structures and nonresidential structures requiring substantial improvement shall have the lowest floor (including basement) elevated to or above the level of the intermediate regional floodplain or shall be floodproofed to one (1) foot above the level of the intermediate regional floodplain.

Section 3.300 Buildings and Structures

The following sections are generally applicable to the regulation of building and structures throughout the Township.

Section 3.301 Yard and Bulk Regulations

A. General Regulations

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance.

1. **Minimum Lot Size.** Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot area and lot width. Any building hereafter erected on such lot(s) and/or parcel(s) shall comply with the lot coverage, and setback requirements for the district in which it is located.

   No yard in existence on the effective date of this Ordinance shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.
2. **Number of Principal Buildings per Lot.** Only one (1) principal building and its ancillary uses and structures shall be placed on a lot of record, zoning lot, parcel or site in a single-family residential district.
3. **Frontage and Access Required.** No dwelling shall be built on any lot that does not abut and have direct frontage for its full width on an approved road with a dedicated right-of-way in compliance with Article 5. Indirect access via a dedicated private

ingress/egress or access easement to a lot without direct road frontage shall not be sufficient to satisfy this requirement.

Multi-family developments, condominiums, planned unit developments, marinas, or mixed-uses for offices, industries or commercial uses, each of such structures need not front upon such street or road, provided that adequate vehicular access can be assured to a certified road in the site plan submitted for approval by the Planning Commission.

4. **Height Exceptions.** The height limitations of this Ordinance shall not apply to chimneys, church spires, public monuments, wireless transmission towers, water towers, and flagpoles, provided that the following requirements are met:

   a) **Farm Structures**.

      1) The maximum height of windmills used for pumping water to farm uses or for generation of electricity shall be 35 feet, provided that the windmill is setback from all property lines a distance equal to the height of the windmill. Windmills shall be located in the rear yard of a residential district, but may be located in the non-required front yard of an agricultural district if necessitated by the configuration of farm buildings and uses.

      2) The maximum height of permitted accessory farm buildings which are essential and customarily used in the agricultural operations associated with a bona-fide farm shall be 45 feet, except that the maximum height of silos shall be 100 feet, provided that all such accessory farm buildings shall be located at least 100 feet from any residential dwelling other than the dwelling on the lot where the accessory farm buildings are located.

   b) **Antennas in Residential Districts.** Private television antennas, private pole antennas, and other private communication antennas or towers shall be permitted in residential districts as follows:

      1) Antennas with a wind resistance surface of seven (7) square feet or less shall be located in the rear yard or on a rooftop, provided that freestanding antenna towers shall be set back from all property lines a distance equal to the height of the tower. Such antennas shall comply with the height standards for the district in which they are located, except as hereinafter provided.

      2) Antennas with a wind resistance surface of over seven (7) square feet shall be located in the rear yard only, and shall be subject to the setback and height standards for the district in which they are located. Any such antenna shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.

      3) Notwithstanding the above requirements, open element and monopole antennas shall be permitted in residential districts, provided they do not exceed 45 feet in height unless otherwise permitted in this Ordinance.

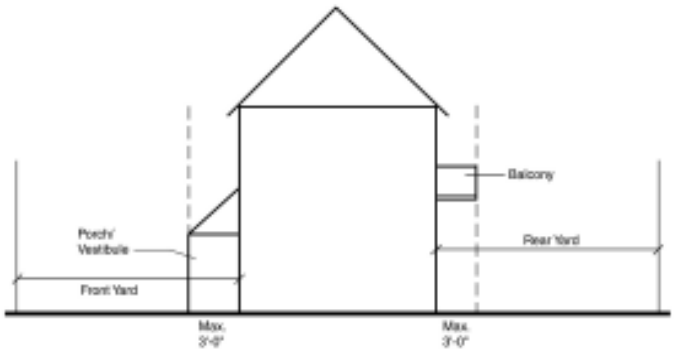
c) **Antennas in Non-residential Districts**. Antennas with a wind resistance surface of seven (7) square feet or less shall be permitted on the rooftop of any building or in the rear of a non-residential district provided that the antenna complies with the height standard for the district in which it is located, and is obscured from view from adjacent properties and roads, to the maximum extent possible. A freestanding antenna may be located in the side yard if its visibility from adjacent properties is obscured.

d) **Variances**. Variances from height standards may be sought from the Zoning Board of Appeals. In considering such a request, the Zoning Board of Appeals shall consider, at minimum, the character of the surrounding uses, the height of surrounding structures, the potential to obscure light or view to or from existing buildings or surrounding properties, and potential detriment to the use or value of surrounding properties.

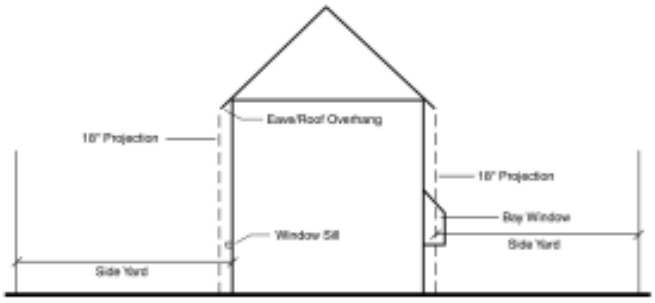
B. Permitted Yard Encroachments

Stairways, decks, porches, egress window wells, and similar projections shall be considered part of the principal building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

Projection	Yard	Restrictions
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard May project up to three (3) feet into any required yard
Window mounted AC units	All	May project up to three (3) feet into any required yard
Access drives and sidewalks	All	None
Egress Window Wells	All	May project up to three (3) feet into any required yard
Flagpoles	All	Flagpoles shall be set back a minimum of 20 feet from all lot boundaries and road rights-of-way
Handicapped access ramps	All	None
Bay Windows	All	May project up to three (3) feet into any required yard
Paved terraces, open porches, and decks	Rear, Front	May occupy provided that the unoccupied portion furnishes a depth of not less than 21 feet.
Propane tanks	Rear, Side	Not permitted in any required front yard May project up to three (3) feet into any required yard



Projections Into Front and Rear Yards

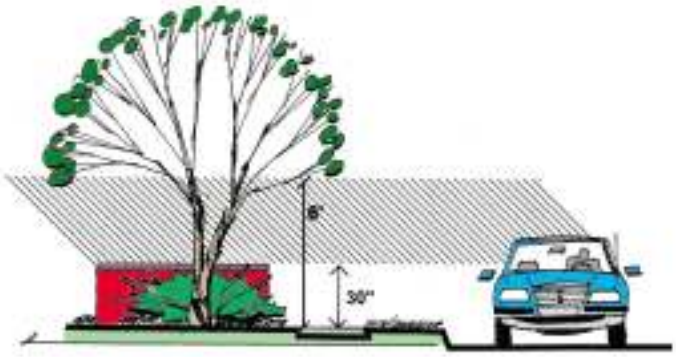


Projections Into Side Yard

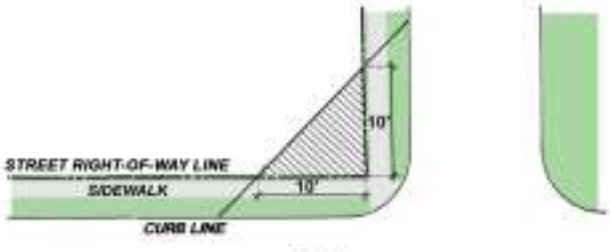
C. Corner Clearance

No structures, walls, fences, signs, landscaping or other obstructions to visibility shall be permitted to a maximum height of 30 inches above the existing road grade within a triangular area formed by the intersection of two road right-of-way lines connected by a diagonal across the interior of such lines at points 10 feet from the point of the intersection. (See illustration).

Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.



ELEVATION



PLAN

Corner Clearance Area

Section 3.302 Access through Yards

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above grade shall be permitted in any required yard and not be considered to be a structure.

Section 3.303 Accessory Structures

The following shall apply to all new accessory structures in the Township, except as otherwise permitted in this Ordinance, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. General Standards

The following shall apply to accessory structures in all zoning districts:

1. **Timing of Construction.** Accessory structures are not permitted unless they are constructed or established on a zoning lot concurrent with or after construction of establishment of the conforming principal building or use on the same zoning lot.

2. **Zoning Permit.** All accessory structures within a residentially zoned district, ancillary to the residence up to 200 square feet in floor area may be subject to approval of a zoning permit, per Section 18.201, Zoning Permits.

3. **Building Permit.** All residential accessory structures over 200 square feet in floor area shall require a Building and Zoning Permit, as authorized by the adopted State Construction Code.

4. **Location in Proximity to Easements or Rights-of-Way.** Accessory structures shall not be located within a dedicated easement or right-of-way.

B. Attached Accessory Structures

Accessory structures attached to a principal building shall conform to the minimum required yard setbacks specified in Article 5, Schedule of Regulations.

C. Detached Accessory Structures

Accessory structures not attached to a principal building shall be subject to the following:

1. **Front yard.** Detached accessory structures in any zoning district shall not be located in front of a main structure or in a required front yard setback, except where otherwise permitted in this ordinance.

2. **Side and Rear Yards.** Detached accessory structures in any zoning district shall not be closer than three (3) feet to any side or rear lot line, except in the AG, Agricultural district where accessory structures that provide shelter to animals and windmills used for pumping water or generating electricity for the sole use of the property owner shall be located at least 100 feet from any lot line.

3. **Corner and Double Road Frontage Lots.** If any accessory structure is located on a lot where the lot line is a continuation of the front lot line of the lot to its rear, then the accessory structure shall not project beyond the front yard setback line for the lot in the rear (see additional regulations below concerning all detached accessory structures).

4. **Additional Standards for Residential Accessory Structures.** The following standards shall apply to all detached structures accessory to non-farm Residential Uses in the R-1, Low Density Residential; R-2, Medium Density Residential; R-3, High Density Residential; and the R-4, Multiple-family Residential Districts:

   a) Such accessory structures shall not exceed 14 feet in height or one (1) story.

b) Such accessory structures shall be located an additional 24' from any required frontage, corner frontage, or double frontage front yard setback line.

c) The gross floor area of such accessory structures shall not exceed the ground floor area of the principal dwelling.

d) Such accessory structures shall be set back a minimum of 10 feet from any principal dwelling.

e) No more than two (2) accessory buildings shall be permitted on a residential zoned lot.

f) No accessory structure in a residentially zoned district shall be constructed of heavy timber or industrial steel.

Section 3.304 Fences

All fences and similar enclosures including but not limited to wood, chain link, and vinyl shall conform to the following:

A. General Standards

The following shall apply to fences in all zoning districts:

1. View obstructing fences over four (4) feet in height shall be set back outside of any required front yard setback area, and a minimum of 25 feet from any road right-of-way.

2. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:

   a) Barbed or electric wire fences shall be permitted accessory to permitted agricultural uses, public utility facilities, and essential service uses in any zoning district.

   b) The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.

4. Fences shall comply with the unobstructed sight distance standards of Section 3.301 C., Corner Clearance Areas and shall not be erected in any required right-of-way.

B. Height

Fence height shall be measured from the ground level adjacent to the fence to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

1. No fence located within the front yard shall exceed three (3) feet in height including water front properties. In addition, a fence must meet the requirements of Section 3.301 C for Corner Clearance Areas.

2. Fences in non-residential zoning districts shall not exceed six (6) feet in height, except where otherwise permitted by this Ordinance.

3. Fences on all lots of record in all residential districts which enclose property or are within a side or rear yard shall not exceed six (6) feet in height, and shall not extend toward the front of the lot nearer than the front of the house.

4. Fences that enclose public or institutional parks, playgrounds, or public landscaped areas shall not exceed eight (8) feet in height, and shall not obstruct vision to an extent greater than 25 percent of their total area.

C. Maintenance

Fences shall be maintained in good condition, so as not to endanger life or property. Maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired, or removed, and exposed surfaces shall be painted, stained or similarly treated.

Any fence which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance, and the Code Enforcement Officer shall notify the owner of the property upon which the fence is located of the existence of such a nuisance. Such nuisances shall be abated within 30 days after receipt of such notice.

D. Existing Fences

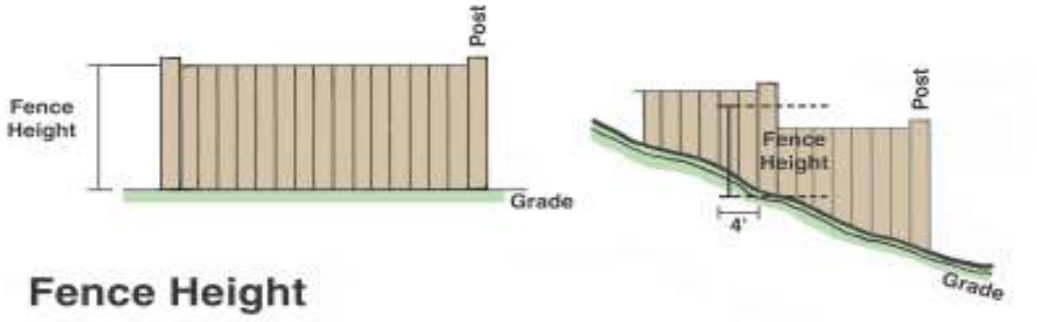
Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 16, Nonconformities.

E. Approval Required

It shall be unlawful for any person to construct or cause to be constructed any fence upon any property within the Township limits without having first obtained all necessary permits or approvals.

1. Construction, alteration or relocation of fences accessory to community uses, industrial, research, and laboratory uses, and other uses shall be subject to site plan approval per Section 17.01, Site Plan Review.

2. Construction, alteration or relocation of fences accessory to Residential Uses shall be subject to approval of a zoning permit by the Zoning Administrator per Section 18.201, Zoning Permits, and approval of the Building Official.



Section 3.305 Swimming Pools, Spas and Hot Tubs

Outdoor swimming pools, spas, and hot tubs constructed in, on or above the ground shall be permitted as an accessory use within the rear yard or side yard in all zoning districts subject to the following:

1. No swimming pool shall be located in the front yard area, or any easement or right-of-way.

2. No swimming pool wall shall be located less than 35 feet from any road right-of-way line.

3. There shall be a minimum distance of not less than 10 feet between adjoining property lines, or alley right-of-way and the outside of the swimming pool wall. The required side yard setback shall apply if greater than 10 feet.

4. There shall be a distance of not less than 10 feet between the outside swimming pool wall and any structure located on the same lot.

5. No swimming pool shall be located in an area designated for the replacement of an on-site sewage disposal system, or where its operation would interfere with an on-site sewage disposal system.

6. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a fence not less than four (4) feet in height or more than six (6) feet in height, with a self-closing and locking gate. Ladders or steps for aboveground pools shall be capable of being secured, locked or removed. The Building Official may waive this requirement upon determining that the above ground or in-ground swimming pool, spa or hot tub is otherwise secured against unauthorized access.

7. No swimming pool shall be located directly under utility wires or electrical service leads.

8. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Township and all requirements of the Monroe County Health Department.

Section 3.306 Parking of Recreational Vehicles and/or Equipment

Recreational vehicles and recreational equipment as defined in Article 2 may be parked or stored upon property used or zoned for residential purposes, subject to the following requirements:

1. Recreational vehicles and equipment may be located within an enclosed structure.

2. Not more than one (1) recreational vehicle or two (2) recreational equipment items may be parked outside of a structure on a lot of record.

3. Recreation vehicles and equipment not parked in an enclosed structure shall not be parked in any yard except a rear or side yard.

4. Notwithstanding the above, a recreational vehicle may be parked within any setback of the Zoning District in which it is located for cleaning, loading, and unloading purposes for a period not to exceed 48 hours.

5. All recreational vehicles and equipment shall be locked and secured at all times then not in use to prevent access and to prevent vandalism by or injury to persons.

6. Any recreational vehicle and/or equipment, parked or stored, shall not be connected to electricity, water, gas, or sanitary facilities, and shall not be occupied for living or housekeeping purposes.

7. All recreational vehicles and/or equipment shall be kept in good repair, shall be free of vermin infestation, and must be operable and licensed to operate on the highways of the State of Michigan.

8. These regulations shall not apply where covenants, deed restrictions, or condominium documents create a greater standard.

Section 3.307 Reconstruction of Damaged Buildings and Structures

Reconstruction or demolition of buildings or structures, damaged by fire, collapse, explosion, or acts of God shall be commenced within 2 months of the date of said partial destruction, and shall be diligently carried on to completion within a period of 1 year after said destruction. Where pending insurance claims require an extension of time or the Township Fire Chief or State Marshall determines additional time is necessary, the Building Official may grant a time extension provided that the property owner submits a certification from the insurance company, fire chief, or state fire marshall attesting to the delay. Until such time as the debris from the damage is fully removed, the premises shall be adequately fenced or screened from access by minors who may be attracted to the premises.

Section 3.308 Means of Ingress and Egress (Building Entrances and Exits)

Each main building shall have at least two (2) means of ingress and egress, consisting of doors, one (1) of which at least shall be at the front and the other at the rear or side thereof.

Section 3.400 Design Standards

Section 3.401 Property Maintenance

Each property owner shall be responsible for keeping his/her lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 3.402 Sidewalks

Sidewalks, where proposed or required, shall be subject to the following regulations:

A. Location and Width
Required sidewalks shall be a minimum of five (5) feet in width and shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way. The Planning Commission may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements.

B. Design Standards
Sidewalks shall be constructed of concrete in accordance with established engineering standards for the Township and shall be compliant with State and ADA Federal requirements.

C. Alignment with Adjacent Sidewalks
Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The Planning Commission may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.

D. Maintenance
The owner of the property that fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris. The property owner shall be liable for damages in the event that a person is injured while using a sidewalk that said property owner has not properly maintained.

E. Permits
It shall be the responsibility of the owner or developer to secure any required permits from Township, County, or State agencies to allow sidewalk construction in the road right-of-way.

Section 3.403 Outdoor Trash Container

Dumpsters are required as an accessory to any use other than single and two-family residential uses subject to the following conditions:

A. Location
Dumpsters shall be permitted in the side or rear yard provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure, and provided that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least 10 feet from any building. Dumpsters shall comply with the setback requirements for the district in which they are located. Dumpsters shall be located as far as practicable from any adjoining residential district.

B. Concrete Pad
Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of ten feet in front of the dumpster enclosure.

C. Screening
Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall with the same materials as the principal building not less than six (6) feet in height or at least six (6) inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three (3) sides. Slats in chain link gates are not permitted.

D. Bollards
Bollards (concrete filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.

E. Site Plan Requirements
The location and method of screening of dumpsters shall be shown on all site plans.

F. Exception
The Planning Commission may modify or waive the requirements of this section upon a determination that the location, screening, or removable of refuse will be handled in a manner acceptable to the Planning Commission.

Section 3.500 Land and Environment

Section 3.501 Performance Standards

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

A. Purpose and Scope

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

1. **Scope.** No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.

2. **Submission of Additional Data.** Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

B. Noise

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.

1. **Noise Disturbance Examples.** Examples of noise disturbances include, but are not limited to:

   a) **Sounds that Exceed Ordinance Limits.** Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.

   b) **Loading and Unloading.** Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of sundown and 6:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.

   c) **Construction.** Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential district boundary or within a noise sensitive zone. This provision shall apply between the hours of sundown and 6:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.

2. **Exceptions.** The provisions in this Section shall not apply to the following uses and circumstances:

   a) **Emergency Exceptions.** The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.

   b) **Additional Exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:

      (1) Snow plowing and other public works activities.

      (2) Animal and agricultural uses.

      (3) Church bells, chimes, and carillons.

      (4) Commercial lawn care and house maintenance that occurs between 7:00 a.m. and 9:00 p.m.

(5) Licensed vehicles being operated on a road.

(6) Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety or welfare.

(7) The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.

(8) Entertainment uses as permitted by the Township Board.

3. **Maximum Permitted Sound Levels by Receiving Zoning District.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Receiving Zoning District	Time	Average Sound Level
Residential Districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

a) **Correction for Tonal Sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

b) **Correction for Impulsive or Impact-type Sounds.** For any source of sound that emits an atypical impulsive or impact-type sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

C. Vibration

Operating of any device that creates vibration that is above the vibration threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

D. Surface Water Flow

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.

E. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act, P.A. 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or

corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

F. Odor

Odors shall not be allowed to escape into the atmosphere in concentrations that are a public health hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

G. Glare and Heat

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (½) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

H. Fire and Safety Hazards

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code, P.A. 207 of 1941, as amended.

1. **Storage Tanks.** All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall meeting the require State of Michigan standards for the product so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

   Below ground bulk storage tanks that contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the State of Michigan in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.

2. **Detonable Materials.** The storage, utilization, or manufacture of the following detonable materials shall be subject Section 8.126, Hazardous Materials Storage.

   a) All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.

   b) All high explosives such as TNT, RDX, HMX, PETN, and picric acid.

   c) Propellants and components thereof such as dry nitrocellulose, boron hydrides, and hydrazine and its derivatives.

   d) Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.

   e) Blasting explosives such as dynamite and nitroglycerin.

   f) Unstable organic compounds such as acetylides, tetrazoles, and ozonides.

g) Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.

h) Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

i) Exception: Black powder and smokeless powder use for sporting purposes and legally obtained shall be allowed up to a limit of 50 pounds.

I. Sewage Wastes and Water Pollution

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Monroe County Health Department, and the U.S. Environmental Protection Agency.

J. Gases

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act, Public Act 451 of 1994, as amended, federal Clean Air Acts, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the *National Ambient Air Quality Standards*, unless a higher standard is imposed by a federal, state, county or local regulatory agency with jurisdiction:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 *µ*g/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 *µ*g/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes Related to Table:

a. ppm = parts per million
b. µg = micrograms
c. mg = milligrams
d. cc = cubic centimeters

K. Electromagnetic Radiation and Radio Transmission

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not

interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

L. Radioactive Materials

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

M. Procedures for Determining Compliance

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. **Official Investigation.** Upon receipt of evidence of possible violation, the Code Enforcement Officer or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination.

   Upon initiation of an official investigation, the Code Enforcement Officer is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

   a) Plans of the existing or proposed facilities, including buildings and equipment.

   b) A description of the existing or proposed machinery, processes, and products.

   c) Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.

   d) Measurement of the amount or rate of emissions of materials purported to be in violation.

2. **Method and Cost of Determination.** The Code Enforcement Officer or designated Township agent shall take measurements and complete the investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be made accurately using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and special equipment or instruments shall be secured to make the required determination.

   If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

3. **Appropriate Remedies.** If, after appropriate investigation, the Code Enforcement Officer or designated Township agent determines that a violation does exist, the Zoning Administrator shall provide written notice of the violation to the owners or operators of the facility deemed responsible, and shall request that the violation be corrected within a specified time limit.

a) **Correction of Violation within Time Limit.** If the alleged violation is corrected within the specified time limit, the Zoning Administrator shall note, "violation corrected" on the Township's copy of the notice, which shall be retained on file.

b) **Violation Not Corrected and No Reply from Owner or Operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Code Enforcement Officer shall take such action as may be warranted to correct the violation, in accordance with the regulations set forth in this Section.

c) **Reply Requesting Time Extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Zoning Administrator may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.

d) **Reply Requesting Technical Determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Code Enforcement Officer may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

4. **Costs and Penalties Incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation.

   If the bill is not paid within 30 days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

Section 3.502 Protection of Wetlands and Bodies of Water

An undisturbed open space setback of not less than 50 feet shall be maintained from the edge of any stream, pond, lake or other body of water. An undisturbed open space setback shall be maintained from the edge of any regulated wetland or edge of a County drain easement meetint the setback as established by the County Drain Commissioner. Such setbacks shall be measured from the top of the bank or other defined edge, and shall not be subject to topography.

1. Trails, boardwalks, observation platforms or similar passive recreational improvements may be provided within the required setback.

2. Detention basins and similar stormwater management facilities may be constructed within the required setback, provided that appropriate replacement plantings are provided and maintained.

Section 3.503 Health Department Approval Required

Permits or approvals required under this Ordinance shall not be granted for the construction or establishment of buildings or uses requiring use of private water or wastewater systems until an applicant provides copies of the appropriate well or septic permits issued by the Monroe County Health Department.

Section 3.504 Water Supply and Sanitary Sewers

Where publicly-owned and operated water or sanitary sewer service is available, all principal buildings shall be connected to such systems at the time of construction or expansion.

Section 3.505 Grade

Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place.

A. Slope Away From Buildings

All buildings and structures shall be constructed at an elevation that provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum 5 percent slope away from all sides of a building or structure shall be provided for a minimum distance of 10 feet.

B. Establishing Grade

The established grade on all types of buildings and/or structures in the Township shall not exceed 20 inches above or below the sidewalk or the crown of the road, as it exists at the time of construction. The Township Building Official may waive this requirement in special cases where he/she finds that the natural topography has an adverse effect upon drainage and that this provision would serve no useful public purpose.

C. Runoff on to Adjacent Properties

New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through dedicated drainage courses or easements. Yards are to be sloped down to meet the same elevation as all adjoining lots at points five feet inside the lot line.

D. Prohibited Fill

No fill material shall be placed in wetlands, floodplains, spillways or watercourses without appropriate Federal, State, and local approvals.

E. Review, Inspection, and Approval Procedures

The Township Engineer and Building Official shall review grading plans for approval. In the event that the grading plan is submitted in conjunction with a site plan submission, the Planning Commission shall review the grading plan as a part of normal site plan review. The Building Official shall issue a grading permit after a determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

For residential properties, the Building Official may verify compliance with a grading plan and permit after a visual on-site inspection. The Township Engineer shall be responsible for verifying compliance with grading plans and permits for nonresidential sites or in cases the Building Official considers a review by the Township Engineer appropriate. Before final inspection and issuance of a certificate of occupancy, the rough grading must be completed; final grading shall be completed within six months after a certificate of occupancy has been issued.

Section 3.600 Temporary Dwellings, Structures, and Uses

Section 3.601 Temporary Uses

A. Temporary Dwellings

No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, moved upon or used in whole or in part for any dwelling purpose, except as provided in this Section. If a dwelling is destroyed or rendered uninhabitable for a period of time, a temporary building may be moved onto the lot for use as a temporary dwelling during replacement or repair of the permanent dwelling, subject to the following:

1. Installation of the temporary dwelling shall be subject to approval of appropriate permits from the Building Official.
2. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to approved water supply and sanitary sewage disposal systems.
3. The temporary dwelling shall be removed from the lot within 14 calendar days of the date of occupancy of the replaced or repaired dwelling, with the date of occupancy to be as listed on the certificate of occupancy.
4. The temporary dwelling shall be immediately removed from the lot upon expiration of permits associated with the replacement or reconstruction of the permanent dwelling, or if such work ceases for more than 30 calendar days, as determined by the Building Official.
5. A performance guarantee in the amount of $1,000 shall be provided to insure removal of the temporary dwelling, per Section 18.203, Fees and Performance Guarantees.
6. The Building Official shall provide a written statement setting forth the conditions of permission granted under this Section to the residents so dislodged and shall retain a copy in his files.
7. The Building Official shall notify the Township Board and Planning Commission in writing of each such permission granted under this Section.

B. Temporary Structures Used for Nonresidential Purposes

1. Temporary buildings for nonresidential use, including semi- trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Building Official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project.

2. **Permits.** Permits for the utilization of temporary structures with conforming uses shall be issued by the Building Official. The permit shall specify a date for the removal of the temporary structure, and the Township may require posting of a bond to insure removal. A Certificate of Occupancy shall be required for such structures.

Section 3.602 Transient and Amusement Enterprises

The Township Board may permit circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, in any zoning district upon approval. Notwithstanding the above, the Board of Trustees may at their discretion require review and recommendation by the Planning Commission prior to making a decision.

1. The Township Board may permit such enterprises only on the finding that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare.

2. The Township Board may require posting of a performance guarantee, per Section 18.203, Fees and Performance Guarantees, in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

Section 3.603 Rummage, Garage, and Yard Sales

A. Duration

No sale shall continue beyond three (3) consecutive calendar days, and only two (2) sales are allowed per calendar year for a parcel or lot.

B. Location

No merchandise offered for resale shall be located in the front yard setback for the zoning district in which the sale will occur.

Article 4
ZONING DISTRICTS AND MAP

Section 4.100 Zoning Districts and Map

Section 4.101 Zoning Districts

For the purpose of this Ordinance, Monroe Charter Township is hereby divided into districts as follows:

District Name	Symbol
Residential Districts	
Agricultural	AG
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Multiple Family Residential	R-4
Manufactured Housing Park	R-5
Mixed Use	M-U
Non-residential Districts	
Local Commercial	C-1
General Commercial	C-2
Light Industrial	L-I
Heavy Industrial	H-I
Marina	MD

Section 4.102 Zoning Map

The Township is hereby divided into districts, with the district areas and boundaries as shown on the Official Township Zoning Map, along with all proper notations, references and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance. This Map shall be identified by the signature of the Township Clerk and the following words: “This is to certify that this is the Official Zoning Map of Monroe Charter Township, effective as of March, the 4th day of 2010.

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the Township Board has approved the amendment. No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment procedures set forth in Section 17.04, Amendments, or in conformity with the procedures set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended for adoption of a new Official Zoning Map. The Official Zoning Map shall be kept in the office of the Township Clerk, and shall be the final authority as to the current zoning status of land, water areas, and structures in the Township.

SECTION 4.200 GENERAL REQUIREMENTS AND STANDARDS

Section 4.201 District Requirements

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this Zoning Ordinance, including but not limited to Article 5, Schedule of Regulations.

Section 4.202 Uses Not Otherwise Cited

A land use that is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Planning Commission shall consider the following:

A. Determination of Compatibility
In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses that are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

B. Conditions by Which Use may be Permitted
If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special or conditional use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

C. Use Listed Elsewhere
No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special use in any other district.

Section 4.203 Design and Development Requirements

All uses shall comply with any applicable requirements of Article 8, Use Standards, and all other applicable provisions of this Ordinance. No structure shall be erected, reconstructed, altered or enlarged, nor shall zoning permits be issued except in conformance with this Ordinance.

Section 4.204 District Boundaries

The following rules shall be used in interpreting the boundaries shown on the Official Zoning Map:

1. Boundaries appearing to follow the centerline of a street or highway shall be interpreted to follow that centerline.
2. Boundaries appearing to follow a Township boundary line shall be interpreted to follow that boundary line.
3. Boundaries appearing to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
4. Boundaries appearing to follow platted property lines shall be interpreted to follow those property lines.
5. Boundaries appearing to follow the exterior property lines of a planned unit development shall be interpreted to follow those exterior property lines.

6. Boundaries appearing to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.

7. Boundaries appearing to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

If the Zoning Administrator finds these standards inadequate to interpret the location of a zoning district boundary, or if a property owner wishes to dispute the Zoning Administrator's interpretation, the Zoning Board of Appeals may interpret the Zoning Map under the provisions of Section 18.103E, Interpretations.

Section 4.205 Zoning of Vacated Areas and Rights-of-Way

All vacated areas and rights-of-way not otherwise designated shall be deemed to be in the same district as the immediately abutting land. Where the centerline of a road serves as a district boundary, the zoning district(s) shall be deemed to extend up to either side of the centerline.

Section 4.300 Table of Permitted Uses by District

Section 4.301 Uses

A. Use Groups

The permitted uses of land in Section 4.302, Table of Permitted Uses by District, have been organized, for ease of use and convenience, into use groups based upon certain shared characteristics. These use groups are described as such:

1. **Residential Uses**. These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.

2. **Office, Service, and Community Uses**. Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are privately owned or operated uses of a for-profit nature, such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.

3. **Commercial Uses**. These are uses of a generally for-profit nature and may include retail sales, food service, entertainment, repair services, and similar associated uses.

4. **Industrial, Research, and Laboratory Uses**. These are uses that are generally of a light manufacturing, research, warehousing, or wholesaling character, or that involve compounding, processing, packaging, assembly, storage, or treatment of products or materials.

5. **Other Uses**. These are uses that, because of unusual character, intensity, or nuisance potential, do not fit well into the preceding use groups.

B. Uses Not Cited

Uses not listed in any district shall be evaluated under the provisions of Section 4.202.

Section 4.302 Table of Permitted Uses by District

Key to Symbols		Zoning Districts												Use Standards
P	Principal Use	**AG**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**M-U**	**C-1**	**C-2**	**L-I**	**H-I**	**MD**	
S	Special Use													
A	Accessory Use													
	Prohibited Use													
Residential Uses														
Accessory dwelling		S												§ 8.121
Accessory Structures		A	A	A	A	A	A	A	A	A	A	A	A	§ 3.303
Bed-and-breakfast inns		P	P	S	S			P						§ 8.107
Family Child Day Care Home		A	A	A	A	A	A	A						
Home occupations		S	S	S	S	S		S						§ 8.127
Maintenance and/or management buildings							A							
Manufactured home parks							P							§ 8.136
Model home						A								
Multiple-family dwellings						P								§ 8.139
Senior citizen housing						S		S						§ 8.139
Single-family detached dwellings		P	P	P	P	S		P						§ 8.153
State-licensed residential facilities (7 or more residents)		S	S	S	S	S	S							§ 8.113
State-licensed residential facilities (6 or fewer residents)		A	A	A	A	A	A							§ 8.113
Two-family dwellings				S	S	P		P						§ 8.139
Wind Energy Conversion Systems		S	S	S	S	S	S	S	S	S	S	S	S	§ 8.160

Key to Symbols		Zoning Districts												Use Standards
P	Principal Use	**AG**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**M-U**	**C-1**	**C-2**	**L-I**	**H-I**	**MD**	
S	Special Use													
A	Accessory Use													
	Prohibited Use													
Office, Service, and Community Uses														
Airport and associated facilities		S												§ 8.103
Cemeteries (excluding crematories)		S	S								S	S		§ 8.112
Child day care center		S	S	S	S	S	S	S	S	S	A	A		§ 8.113
Financial institutions without drive through service								S	P	P	A	A		
Financial Institutions/with drive through									S	S				§ 8.115
Funeral homes or mortuaries (excluding crematories)									P	P				§ 8.124
Health Club, massage therapy									S	P				§ 8.157
Hospitals/Clinics						S			S	S				§ 8.128
Institutional uses		S	S	S	S	S	S	S	S	p	S	S	S	§ 8.130
Laundromats (not industrial)									P	P				
Medical and dental offices								S	P	P				
Municipal/public buildings		S	S	S	S	S			P	P	S	S		
Nursing /convalescent homes						S		S	S	S				§ 8.139
Personal care services, except tattoo parlors								S	P	P	A	A		
Professional offices								S	P	P	A	A		
Recreational facility, private		S	S	S	S	S	P		S	S	P			§ 8.142
Recreation facility, public		S	S	S	S				S	S	P			§ 8.142

Key to Symbols		Zoning Districts												Use Standards
P	Principal Use	AG	R-1	R-2	R-3	R-4	R-5	M-U	C-1	C-2	L-I	H-I	MD	
S	Special Use													
A	Accessory Use													
	Prohibited Use													
Commercial Uses														
Amusement arcades										P				§ 8.104
Big box retail stores (larger than 50,000 square feet)										S				§ 8.108
Car wash									S	S				§ 8.109
Drive-through business										S				§ 8.115
Gas station									S	S	S		S	§ 8.106
Gas station with convenience store /restaurant										S	S			§ 8.106
Hotels or motels										P			S	§ 8.129
Nurseries and greenhouses	S									S	P	P		§ 8.125
Repair garage, major										S	S	S		§ 8.138
Repair garage, minor									S	P	P	P	A	§ 8.138
Restaurants, other than drive-in or drive-through								S	P	P	A	A	A	§ 8.150
Restaurant, carry out									S	S				
Retail uses, less than 20,000 square feet								S	P	P	A	A	A	
Retail uses, over 20,001 square feet									S	P			A	
Tattoo and piercing parlors									P	P				§8.156
Veterinary clinics	S								S	S				§ 8.158

Key to Symbols		Zoning Districts												Use Standards
P	Principal Use	AG	R-1	R-2	R-3	R-4	R-5	M-U	C-1	C-2	L-I	H-I	M-D	
S	Special Use													
A	Accessory Use													
	Prohibited Use													
Industrial Uses														
Cement, concrete, lime, and gypsum manufacturing												S		§ 8.126
Contractor's yards											P	P		
Dry cleaning plant, Industrial laundries											S	S		§ 8.126
Forging and stamping												S		§ 8.126
Heating/Electrical power plants												P		§ 8.126
Junkyard; salvage yards											S	S		§ 8.132
Laboratories for research and development											P	P		
Lumber yards											P	P		§ 8.140 & 8.141
Millwork, lumber, planning mills												S		§ 8.126
Machine shops											P	P		
Manufacturing, processing, assembly, fabrication of product w/o odor & other negative											P	P		§ 8.126
Manufacturing of chemicals, machinery, petroleum products and other like use												S		§ 8.126
Self-storage Warehouses											S	S		§ 8.152
Outdoor sales/ storage of materials, or equipment, or vehicles										S	S	S		§ 8.140, 8.141
Quarry/Extractive											S	S		§ 8.116
Research & development											P	P		
Racetracks											S	S		§ 8.148
Slaughter house, rendering plant												S		§ 8.155
Truck terminals												S		§ 8.159
Warehousing and Wholesale											P	P		§ 8.159

Key to Symbols		Zoning Districts												Use Standards
P	Principal Use	**AG**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**M-U**	**C-1**	**C-2**	**L-I**	**H-I**	**MD**	
S	Special Use													
A	Accessory Use													
	Prohibited Use													
Other Uses														
Adult Entertainment uses										S				§ 8.102
Campgrounds/Travel Trailer Parks		S												§ 8.149
Composting Centers		S												§ 8.114
Essential services		P	P	P	P	P	P	P	P	P	P	P	P	
Kennels		S									S	S		§ 8.134
PODS		A	A	A	A	A	A		A	A	A	A		§ 8.144
Private swimming pool for complex						P	P							§ 3.305
Roadside stand		P												§ 8.119
Riding Stable, private		S	S											§ 8.146 & 8.147
Wireless communications facilities		S							S	S	S	S		§ 13.02

Article 5
SCHEDULE OF REGULATIONS

Section 5.01 Schedule of Regulations

All buildings, uses, and parcels of land shall comply with the dimensional standards set forth in the table below. Exceptions to the standards for each zoning district are provided in the footnotes following the table.

Zoning District	Lot Regulations			Minimum Setbacks ft.				Structure Regulations		
					Side Yard (e,l)			Maximum Building Height (c)		
	Minimum Lot Area (a, g)	Minimum Lot Width (b, g)	Maximum Lot Coverage	Front Yard (m)	Least One	Total of Two	Rear Yard	Stories	Height ft.	Minimum Dwelling Unit Floor Area sq. ft.
AG Sec. 6.101	5 acres	250 ft.	35% all structures	50 (k)	25	60 (n)	50	2½	35	1,000
R-1 Sec. 6.102	1 acre	110 ft.	35% all structures	40 (k)	10	20 (n)	40	2½	35	1,200
R-2 Sec. 6.103	12,000 sq. ft.	100 ft.	30% all structures	35 (k)	6	15 (n)	35	2½	35	960
R-3 Sec. 6.104	9,000 sq.ft.	75 ft	30% all structures	35 (k)	6	15 (n)	35	2½	35	800
R-4 Sec. 6.105	12,000 sq. ft.	75 ft.	30% all structures	30 (f, l)	6 (f)	15 (f, n)	35 (f)	2½	35	800 (g)
R-5 Sec. 6.106	5,500 sq. ft.	--	--	Section 8.136				2	25	--
M-U Sec. 6.107	9,000 sq. ft.	75 ft.	80% all impervious	20 (d, i)	6 (d)	15 (d)	25 (d)	2½	35	--
C-1 Sec. 7.201	4,000 sq. ft.	50 ft.	75% all impervious	20 (d)	20 (d, h, j)	40 (d, h, j)	25 (d, h, j)	2	30	--
C-2 Sec. 7.202	4,000 sq. ft.	50 ft.	75% all impervious	30 (d)	20 (d, h, j)	40 (d, h, j)	25 (d, h, j)	3	35	--
L-1 Sec. 7.301	20,000 sq. ft.	100 ft.	50% bldgs; 75% impervious	35 (d)	30 (d)	60 (d)	50 (d)	2½	35	
H-I Sec. 7.302	20,000 sq. ft.	100 ft.	50% bldgs; 75% impervious	50 (d)	30 (d)	60 (d)	50 (d)	2½	35	--
MD Sec. 7.401	--	--	35% bldgs; 75% impervious	20	20	40	20	--	35	--

Section 5.02 Footnotes to the Schedule of Regulations

(a) **Lot Area**
"Gross lot area", as defined in Section 2.02, shall be used to determine compliance with lot area requirements.

(b) **Lot Proportions**
The lot depth of a newly created lot in any district shall be no greater than four (4) times the lot width.

(c) **Exceptions to Height Standards**
The height standards shall not apply to certain structures listed in Section 3.301.

(d) **Minimum Setbacks for Non-Residential Uses**
Permitted non-residential uses shall comply with setback requirements set forth in Article 8 for specific uses. Where setback requirements are not specified in this Ordinance, permitted non-residential uses shall comply with the minimum setback requirements set forth in the Schedule of Regulations.

(e) **Setback on Side Yards Facing a Street**
On corner lots there shall be maintained a front yard along each street frontage that shall not be less than the minimum setback for front yards.

(f) **Setbacks in R-4**

(1) **Minimum Distance between Buildings and Setbacks**
Single-family dwellings shall comply with the setback standards for the R-1 District. Two-family dwellings shall comply with the setbacks for the R-2 District. The minimum distance between any multiple family structures erected on the same parcel shall be as follows:

Orientation of Buildings	1-Story Buildings	Over 1-story buildings
Front to front	30 feet	60 feet
Front to rear	30 feet	60 feet
Rear to rear	30 feet	60 feet
End to end	20 feet	20 feet
End to front	30 feet	30 feet
End to rear	30 feet	30 feet

(2) **Minimum Floor Area in the R-4 District**

Number of Bedrooms	Required Floor Area (square feet)
0	450
1	600
2	800
3	1,000
4	1,200
Each Additional	100

(3) Efficiency units shall not be more than 10 percent of the dwelling units on a parcel.

(g) **Lot Area and Lot Width**
Lot area and width requirements in all districts where public sewer and water is not available shall be based on compliance with the setback and lot coverage standards of the Monroe County Health Department.

(h) **Commercial Districts**

(1) **Side or Rear Yard Setback along Interior Lot Lines**
Side or rear yard setbacks along interior lot lines can be reduced to zero (0) feet with the installation of a one (1) hour fire protection wall regardless of height.

(2) **Side Yard Setback on Corner Lots**
No side yard setback is required except where the side street abuts an interior residential lot, in which case the side yard setback shall be equal to the minimum front yard setback for the district in which the building is located.

(3) **Rear Yard Setback on Through-Lots**
The rear yard setback on lots which extend through from street to street shall be equal to the minimum front yard setback for the district in which the building is located.

(i) **Front Yard Setback in the Mixed-Use District**
Where the M-U District is contiguous to a residentially zoned district that has common frontage on the same block, the minimum front yard setback shall be equal to that of the adjacent residential district.

(j) **Minimum Setback Adjacent to a Residential District Boundary**
Buildings in nonresidential districts shall be set back a minimum of 30 feet from any residential district boundary.

(k) **Front Yard Parking in Residential Districts**
No more than 35 percent of the lot area located between the front of the principal building and front lot line shall be improved (i.e. paved, gravel, dirt, etc.) for parking.

(l) **Minimum Distance between Buildings**
The minimum distance between buildings on the same lot shall be 20 feet.

(m) **Front Yard Requirements**
All yards abutting upon a public street shall be considered as front yards for setback purposes.

(i) **Waterfront Lots**. On a waterfront lot, the required yard setback from the high water mark frontage on a lake or water body shall be a minimum of 50 feet. The Planning Commission may allow an intrusion of 10 feet in the waterfront setback for non-habitable, non-roofed decks, patios, and terraces during site plan development review. The required yard setback for the street frontage of a waterfront lot shall be a minimum of 25 feet and further that a detached accessory building on a waterfront lot may be permitted within 10 of the street-side front lot line. All side lot line setbacks shall be determined by the zoning district in which the waterfront lot is located.

(n) **Minimum Distance between Residential Structures**
The minimum distance between any two residential dwellings shall not be less than twelve (12) feet.

Article 6

RESIDENTIAL DISTRICTS

Section 6.100 Residential Districts

Section 6.101 AG, Agricultural District

The Agriculture (AG) District is hereby established to protect areas of the Township for agricultural production, distribution, and accessory uses and provide reasonable land uses of a rural, agricultural character for those lands in the Township presently rural and undeveloped.

This District is intended to maintain and preserve large contiguous blocks of agricultural land, both by original designation and by future annexation of smaller holdings to existing areas. The District is intended to be applied to areas that have soils well suited to agricultural activities, and to large contiguous parcels of land currently or historically used for agricultural or private rural outdoor recreational purposes. It is further intended that the Agricultural District shall serve as the primary district for conservation of off-site open space under the Planned Development (PD) option.

Accordingly, it is the intent of this District to promote agricultural and private outdoor recreational uses as an important component of the local economy, and to allow for a limited range of agriculture oriented tourism, educational, and commercial uses, subject to standards designed to minimize impacts on the Township's rural character.

A. Permitted Uses

1. Single–family detached dwellings
2. Farms for production of food, feed, or fiber
3. Roadside stand
4. State licensed residential facilities that provide resident service to 6 or less persons
5. Bed and breakfast inns
6. Essential services
7. Accessory building and use customarily incidental to the above permitted uses

B. Permitted Uses after Special Approval

1. Home occupations
2. Recreational facilities, public and private
3. Kennels
4. Cemeteries
5. Institutional uses
6. Child day care centers
7. State licensed residential facilities that provide resident service to 7or more persons
8. Municipal/Public buildings
9. Public or commercial riding stables
10. Nurseries and greenhouses
11. Veterinary clinics
12. Composting centers
13. Travel trailer parks and campgrounds
14. Airports and associated facilities
15. Farm labor housing
16. Wireless communications towers
17. Farm based tourism or entertainment activities
18. Wind Energy Conversion Systems

C. Development Standards

Buildings and uses in the AG, Agricultural district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Lot Regulations**. Buildings and uses in the AG, Agricultural district are subject to requirements of Article 5, Schedule of Regulations.

3. **Single Family Development Options**. Subject to approval, single-family residential developments in the AG zoning district may be developed in accordance with:
   Article 14, Condominium Regulations
   Article 15, Planned Developments
   Section 13.01, Residential Open Space Preservation Option

4. **General Development Standards**. Buildings and uses in the AG district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
   Article 3 General Provisions
   Article 8 Use Standards
   Article 9 Parking, Loading, and Access Management
   Article 10 Landscaping and Screening
   Article 11 Signs
   Article 13 Special Provisions

Section 6.102 R-1, Low Density Residential District

The Low-Density Residential (R-1) District is hereby established to provide an area for single-family, non-farm residential development within a rural environment. This District is intended to for areas with or without public water and sewer and is intended to preserve important natural features.

A. Permitted Uses

1. Single–family detached dwellings
2. Bed and breakfast inns
3. State licensed residential facilities that provide resident service to 6 or less persons
4. Essential services
5. Accessory building and use customarily incidental to the above permitted uses

B. Permitted Uses after Special Approval

1. Home occupations
2. Recreational facilities, public and private
3. Cemeteries
4. Institutional uses
5. Municipal/public buildings
6. Child day care centers
7. State licensed residential facilities that provide resident service to 7or more persons
8. Private riding stables
9. Wind Energy Conversion Systems

C. Development Standards

Buildings and uses in the R-1, Low Density Residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Lot Regulations**. Buildings and uses in the R-1, Low Density Residential district are subject to the requirements of Article 5, Schedule of Regulations.

3. **Single Family Development Options**. Subject to approval, single-family residential developments in the R-1 zoning district may be developed in accordance with:
   Article 14, Condominium Regulations
   Article 15, Planned Developments
   Section 13.01, Residential Open Space Preservation Option

4. **General Development Standards**. Buildings and uses in the R-1 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
   Article 3 General Provisions
   Article 8 Use Standards
   Article 9 Parking, Loading, and Access Management
   Article 10 Landscaping and Screening
   Article 11 Signs
   Article 13 Special Provisions

Section 6.103 R-2, Medium Density Residential District

The Medium Density Residential (R-2) District is hereby established to meet the varied housing needs of Township residents by providing locations for a variety of non-farm dwelling types at a higher density than that provided in other areas of the Township. The District is intended to be applied in accordance with the Township Master Plan to limited locations suitable for the orderly and efficient extension of publicly owned and operated sanitary sewers and water services.

A. Permitted Uses

1. Single–family detached dwellings
2. State licensed residential facilities that provide resident service to 6 or less persons
3. Essential services
4. Accessory building and use customarily incidental to the above permitted uses

B. Permitted Uses after Special Approval

1. Home occupations
2. Two-family dwelling (duplexes)
3. Recreational facilities, public and private
4. Bed and breakfast inns
5. Municipal/public buildings
6. Institutional uses
7. Child day care centers
8. State licensed residential facilities that provide resident service to 7 or more persons
9. Wind Energy Conversion Systems

C. General Development Standards

Buildings and uses in the R-2, Medium Density Residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Lot Regulations**. Buildings and uses in the R-2, Medium Density Residential district are subject to the requirements of Article 5, Schedule of Regulations.

3. **Single Family Development Options**. Subject to approval, residential developments in the R-2 zoning district may be developed in accordance with:
   Article 14, Condominium Regulations
   Article 15, Planned Developments
   Section 13.01, Residential Open Space Preservation Option

4. **General Development Standards**. Buildings and uses in the R-1 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
   Article 3 General Provisions
   Article 8 Use Standards
   Article 9 Parking, Loading, and Access Management
   Article 10 Landscaping and Screening
   Article 11 Signs
   Article 13 Special Provisions

Section 6.104 R-3, High Density Residential District

The R-3, High Density Residential district is designed to provide areas of the Township for the continued use and improvement of single-family dwellings within existing stable neighborhoods that were developed at a higher density than is permitted elsewhere in the Township.

A. Permitted Uses

1. Single–family detached dwellings
2. State licensed residential facilities that provide resident service to 6 or less persons
3. Essential services
4. Accessory building and use customarily incidental to the above permitted uses

B. Permitted Uses after Special Approval

1. State licensed residential facilities that provide resident service to 7 or more persons
2. Home occupations
3. Two-family dwelling (duplexes)
4. Recreational facilities, public and private
5. Bed and breakfast inns
6. Child Day Care Centers
7. Institutional uses
8. Municipal/public buildings
9. Wind Energy Conversion Systems

C. General Development Standards

Buildings and uses in the R-3, High Density Residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Lot Regulations**. Buildings and uses in the R-3, High Density Residential district are subject to the requirements of Article 5, Schedule of Regulations.

3. **Single Family Development Options**. Subject to approval, single-family residential developments in the R-3 zoning district may be developed in accordance with:
   Article 14, Condominium Regulations
   Article 15, Planned Developments

4. **General Development Standards**. Buildings and uses in the R-3 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article 3	General Provisions
Article 8	Use Standards
Article 9	Parking, Loading, and Access Management
Article 10	Landscaping and Screening
Article 11	Signs
Article 13	Special Provisions

Section 6.105 R-4, Multiple-Family Residential District

The intent of the R-4, Multiple Family Residential District is to address the varied housing needs of Township residents by providing locations for development of multiple-family housing at a higher density than is permitted in the single family districts. In addressing these housing needs, multiple family housing in the R-4 District should be designed in consideration of the following objectives:

- Multiple family housing developments should preserve significant natural features of the site. Accordingly, preservation of open space, protection of flood prone areas, protection of wooded areas, and preservation of other natural features is encouraged.
- Multiple family housing should be provided with necessary services and utilities, including usable outdoor recreation space and a well-designed internal road network.
- Multiple family housing should be designed to be compatible with surrounding or nearby single-family housing. Accordingly, one and two-story housing is considered appropriate in the R-4 District.
- Multiple family developments in the R-4 District should have direct access to a collector road or major thoroughfare.

A. Permitted Uses

1. Multiple family attached dwellings
2. Two-family dwellings
3. State licensed residential facility which provide resident service for six (6) or fewer persons
4. Essential services
5. Uses and structures accessory to the above, including, but necessarily limited to the following:
   a) Pools for the exclusive use of residents and their guests
   b) In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development
   c) Private garages, carports, or community garages
   d) Private parks owned and maintained by a homeowner association or the proprietor of a housing project
   e) Signs

B. Permitted Uses after Special Approval

1. Single family detached dwellings, subject to the area, height, bulk, and placement requirements for single family dwellings in the R-2 District
2. Home occupations
3. Senior housing
4. Municipal buildings and uses that do not require outside storage of materials or

equipment
5. Institutional uses
5. Hospitals or clinics
6. Nursing homes or convalescent homes
7. State licensed residential facilities that provide resident service to 7 or more persons
8. Child day care centers
9. Recreational facilities, private, such as a community center for the housing project
10. Wind Energy Conversion Systems

C. General Development Standards

Buildings and uses in the R-4, Multiple-family Residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Lot Regulations**. Buildings and uses in the R-4, Multiple Density Residential district are subject to the requirements of Article 5, Schedule of Regulations.

3. **Multiple-Family Development Options**. Subject to approval, Multiple-family residential developments in the R-4 zoning district may be developed in accordance with:
   Article 14, Condominium Regulations
   Article 15, Planned Developments

4. **General Development Standards**. Buildings and uses in the R-4 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
   Article 3 General Provisions
   Article 8 Use Standards
   Article 9 Parking, Loading, and Access Management
   Article 10 Landscaping and Screening
   Article 11 Signs
   Article 13 Special Provisions

Section 6.106 R-5, Manufactured Housing Park District

The R-5, Manufactured Housing Park District is hereby established to provide for the location and regulation of manufactured housing parks as defined by the Mobile Home Commission Act, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district (including educational, cultural and religious land uses, parks and playgrounds) in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township. Further, the district is intended to meet the needs of the different age and family groups in the Township, minimize hazards to life and property, and ensure sufficient provisions for light, air, privacy, recreation areas and basic amenities to serve the residents of the district.

A. Permitted Uses

1. Manufactured housing parks
2. State licensed residential facilities that provide resident service for six (6) or fewer persons
3. Uses and structures accessory to the above, including, but necessarily not limited to the following:
   a) Recreation facilities for the exclusive use of residents and their guests
   b) Office building for the exclusive purpose of mobile home park business
   c) Utility building, private garages, carports, or community garages
   d) Signs
4. Essential Services

B. Permitted Uses after Special Approval

1. State licensed residential facilities that provide resident service to 7 or more persons
2. Child day care centers
3. Institutional uses
4. Wind Energy Conversion Systems

C. General Development Standards

Buildings and uses in the R-5, Manufactured Housing Park district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**.
   a) Preliminary site plan review and approval by Monroe Charter Township and other affected agencies pursuant to Section 125.2311 of P.A. 96 of 1987, as amended.
   b) Final site plan review and approval from Michigan Department of Commerce in accordance with P.A. 96 of 1967, as amended.

2. **Lot Regulations**. Buildings and uses in the R-5 district are subject to the requirements of Article 5, Schedule of Regulations.

3. **Planned Development**. Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

4. **General Development Standards**. Buildings and uses in the R-5 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article 3	General Provisions
Article 8	Use Standards
Article 9	Parking, Loading, and Access Management
Article 10	Landscaping and Screening
Article 11	Signs
Article 13	Special Provisions

Section 6.107 M-U, Mixed Use District

The M-U, Mixed Use district is hereby established to allow a combination of limited commercial uses and residential uses in zoned areas of the Township. The purpose of the district is to maintain the present residential streetscape while allowing alternative land uses that are compatible with the residential environment. This designation is intended to encourage the development of traditional neighborhoods through a coordinated land use pattern of residential, office or local commercial uses. Upper floor residential above retail or office is also encouraged.

A. Permitted Uses

1. Single-family dwelling
2. Duplexes
3. Bed and Breakfast Inns
4. Essential Services without outdoor storage
5. Accessory buildings and uses customarily incidental to the above uses

B. Permitted Uses after Special Approval

1. Home occupations
2. Professional offices
3. Medical offices
4. Financial institutions, without drive-through service
5. Single-family dwellings located within a building containing another permitted or specially approval use
6. Personal service establishments
7. Retail uses, less than 5,000 square feet in floor area
8. Child day-care facilities
9. Senior housing
10. Nursing homes and convalescent centers
11. Restaurants, dine in only
12. Institutional uses
13. Wind Energy Conversion Systems

C. Uses Not Permitted

1. Uses having outside storage shall be prohibited.
2. All types of drive-through or drive-in facilities shall be prohibited.

D. Project Standards

1. **Shared Residential and Commercial Uses**. Business and office uses may occupy a building used for residential purposes, provided that:

   a) No business or office use shall be located on the same floor that is used for residential purposes.
   b) No floor may be used in whole or in part for business or office use on a floor located above a floor used for residential purposes.
   c) Where there are non-residential and residential uses in a building, the residential uses shall be provided with separate, private entrances.

2. **Parking.** Parking and parking lot design shall comply with the following standards, in addition to the provisions of Article 9.

   a) No new parking lot shall be created nor any existing parking lot expanded in front of a building unless the Planning Commission determines that parking in front of the building would be acceptable for either of the following reasons:

      1) Front yard parking is required to maintain the continuity of building setbacks in the block while making efficient use of the site, or

      2) Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.

   Unless the Planning Commission determines that parking in front is permissible, new or expanded parking lots shall be located to the rear or side of the buildings, accessed by means of common driveways, preferably from

side streets or lanes. Where possible, parking lots shall be small in size, and shall connect with parking lots on adjacent properties.

b) Cross-access easements for adjacent lots with connected parking lots shall be required. The cross-access easement shall be recorded and the cross-access driveway shall be installed at the same time that the parking lot on the same lot is constructed.

Common, shared parking facilities are encouraged. Required parking may be accommodated off-site in common, shared parking facilities.

c) Off-street parking shall be set back a minimum of 10 feet from the front lot line. Off-street parking shall be set back a minimum of 10 feet from any single family residentially zoned parcel.

d) In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of Article 9.

e) The parking lot layout shall accommodate pedestrian circulation. Pedestrian crosswalks shall be provided, shall be distinguished by textured paving, striping, or color change alternatives and shall be integrated into the sidewalk network in compliance with Section 3.402, Sidewalks.

f) Surface parking lots shall be screened from the street with a three (3) foot high red or brown brick wall, with a continuous row of deciduous trees along the street, or a wrought iron fence with a hedge between the fence and the street.

3. **Site Amenities**. A bicycle rack to accommodate bicycle parking shall be provided on each site.

E. Development Standards

Buildings and uses in the M-U, Mixed Use district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Lot Regulations**. Buildings and uses in the M-U, Mixed Use district are subject to the requirements of Article 5, Schedule of Regulations.

3. **Planned Development**. Planned Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

4. **General Development Standards**. Buildings and uses in the M-U, Mixed Use district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article 3	General Provisions
Article 8	Use Standards
Article 9	Parking, Loading, and Access Management
Article 10	Landscaping and Screening
Article 11	Signs
Article 12	Exterior Lighting
Article 13	Special Provisions

Article 7

NON-RESIDENTIAL DISTRICTS

Section 7.100 Commercial Districts

Section 7.101 C-1, Local Commercial District

The C-1, Local Commercial district is hereby established to provide suitable locations for retail, service, and professional office enterprises that serve a localized market area. Goods and services to be provided by establishments in this district are classified as "local", as distinguished from "general", goods and services, because they serve the day-to-day needs of a neighborhood or group of neighborhoods. With the exception of supermarkets, establishments in this district will generally be small in floor and site area.

This District is intended to provide a limited number of suitable locations for retail, service, and professional office and business establishments. The further intent of this District is to prohibit scattered or strip commercial development, minimize traffic congestion and the number of commercial driveways opening onto major streets, and improve public safety and convenience by limiting commercial uses to consolidated nodes of commercial activity as identified in the Township Master Plan.

Uses in this District shall be subject to appropriate design and development standards (including bulk, setback and separation standards; and provisions for sufficient light, air, and privacy) intended to reduce hazards to life and property, provide basic amenities, and ensure compatibility between land uses.

A. Permitted Uses

1. Professional offices
2. Municipal buildings
3. Medical or dental clinics
4. Financial Institutions without drive-through facilities
5. Laundromats (non-industrial)
6. Tattoo parlors
7. Retail uses, less than 20,000 square feet in floor area
8. Personal service establishments
9. Restaurants, other then drive-in or drive through
10. Essential services
11. Funeral homes without crematories
12. Accessory buildings and uses customarily incidental to the above permitted uses

B. Permitted Uses after Special Approval

1. Recreational facilities, public and private
2. Municipal buildings
3. Health clubs, massage therapy facilities
4. Financial institution with drive through windows
5. Child day care centers
6. Nursing homes and convalescent centers
7. Veterinary clinics
8. Institutional uses
9. Hospitals/clinics
10. Car washes
11. Retail uses, over 20,001 square feet

12. Restaurant, carry out
13. Gas Stations without convenience store and/or restaurant.
14. Repair garage, minor
15. Wind Energy Conversion Systems
16. Wireless communication facilities
17. Accessory buildings and uses customarily incidental to the above uses

C. Development Standards

Buildings and uses in the C-1, Local Commercial district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Lot Regulations**. Buildings and uses in the C-1, Local Commercial district are subject to the requirements of Article 5, Schedule of Regulations.

3. **Planned Development**. Planned Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

4. **General Development Standards**. Buildings and uses in the C-1, Local Commercial district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article 3	General Provisions
Article 8	Use Standards
Article 9	Parking, Loading, and Access Management
Article 10	Landscaping and Screening
Article 11	Signs
Article 12	Exterior Lighting
Article 13	Special Provisions

Section 7.102 C-2 General Commercial District

The C-2 General Commercial district is hereby established to accommodate businesses that sell or service motor vehicles in addition to other more intense entertainment and auto-oriented commercial, retail, and service uses that generate large volumes of vehicular traffic, require substantial access for off-street parking and loading, or would otherwise be incompatible with local commercial districts or abutting residential or institutional uses.

Because of the types of uses permitted in the District, detailed attention must be focused on relationships with adjacent uses, site layout, building design, and vehicular circulation. The District should be limited in size and location to prevent potential nuisances and conflicts with incompatible uses and districts. Uses in this District shall be subject to appropriate design and development standards (including bulk, setback and separation standards; and provisions for sufficient light, air, and privacy) intended to reduce hazards to life and property, provide basic amenities, and ensure compatibility between land uses.

A. Permitted Uses

1. C-1 permitted uses
2. Hotels and motels
3. Amusement arcades
4. Retail uses, over 20,001 square feet
5. Health Clubs, massage therapy facilities
6. Institutional uses or schools
7. Automotive repair garage, minor
8. Accessory buildings and uses customarily incidental to the above permitted uses

B. Permitted Uses after Special Approval

1. C-1 permitted uses after special approval except for retail uses over 20,001 square feet
2. Gas stations with convenience store and/or restaurant
3. Vehicle/equipment sales and storage
4. Automotive repair garages, major
5. Outdoor sales or display areas
6. Nurseries and greenhouses
7. Adult entertainment uses
8. Restaurants, drive-in and drive through
9. Big Box retail
10. Accessory buildings and uses customarily incidental to the above uses

C. Development Standards

Buildings and uses in the C-2, General Commercial district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.
2. **Lot Regulations**. Buildings and uses in the C-2 General Commercial district are subject to the requirements of Article 5, Schedule of Regulations.
3. **Planned Development**. Planned Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.
4. **General Development Standards**. Buildings and uses in the C-2 General Commercial district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article 3	General Provisions
Article 8	Use Standards
Article 9	Parking, Loading, and Access Management
Article 10	Landscaping and Screening
Article 11	Signs
Article 12	Exterior Lighting
Article 13	Special Provisions

Section 7.200 Industrial Districts

Section 7.201 L-I, Light Industrial District

The L-I, Light Industrial district is hereby established for the purpose of permitting certain industries of a light manufacturing, office, research, laboratory, warehousing or wholesaling character to locate in planned areas of the Township where such uses would not have a detrimental impact on surrounding uses and districts.

The District is intended, in accordance with the Township Master Plan, to limited locations suitable for industrial, manufacturing, research, and technology-oriented land uses. To meet the purpose and intent of this district, certain land uses are prohibited; including uses that would create excessive or unusual danger of fire, explosion, toxicity, or exposure to radiation or other unusually noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, light, waste, noise or vibration.

Uses in this District shall be subject to appropriate design and development standards (including bulk, setback and separation standards; and provisions for sufficient light, air, and privacy) intended to

reduce hazards to life and property, provide basic amenities, and ensure compatibility between land uses.

A. Permitted Uses

1. Data processing and computer centers
2. Essential services
3. Nurseries and greenhouses
4. Laboratories involved in basic research, experiment, design, testing, or prototype product development.
5. Lumber yards or building material sales establishments that have storage in partially open structures.
6. Manufacturing, compounding, bottling, processing, packaging, treatment, or fabrication of products that do not involve the creation of odors or have other offensive impacts.
7. Vehicle or equipment repair garage - minor
8. Tool, die, gauge, and machine shops.
9. Warehousing and wholesale activities.
10. Recreation facilities, public and private
11. Contractor's yard
12. Other research or light manufacturing uses similar to the above.
13. Tractor-trailer storage as an accessory use to the above.
14. Uses and structures accessory to the above, Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use,

B. Permitted Uses after Special Approval

1. Central dry cleaning plants and laundries provided that such plants do not deal directly with the customer at retail.
2. Vehicle or equipment repair garage - major
3. Outdoor storage and sales of equipment vehicles, materials, etc.
4. Mini-warehouse storage facilities.
5. Municipal buildings.
6. Institutional uses
7. Wireless communication facilities
8. Retail or service accessory uses that are clearly intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use occupying no more than 10 percent of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:
    a) Child care services that are intended to serve families of workers in the district.
    b) Financial institutions, including banks, credit unions, and savings and loan associations.
    c) Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.
    d) Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.
    e) Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.
    f) Other accessory uses determined to be incidental to the principle use upon completion of site plan review by the Planning Commission.
8. Gas Stations with or without convenience store and/or restaurant
9. Kennels
10. Industrial Parks
11. Race Tracks
12. Cemeteries

13. Wind Energy Conversion Systems
14. Accessory buildings and uses customarily incidental to the above uses

C. Development Standards

Buildings and uses in the L-I, Light Industrial district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.
2. **Outdoor Storage and Trailers**. There shall be no outside storage of any goods, inventory, or equipment except in designated areas that shall be enclosed on all sides with a screening fence or wall. Use of trailers for storage is prohibited, unless licensed and roadworthy according to the Motor Vehicle Code of the State of Michigan.
3. **Lot Standards**. Buildings and uses in the L-I, Light Industrial district are subject to the requirements of Article 5, Schedule of Regulations.
4. **Planned Development**. Planned Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.
5. **General Development Standards**. Buildings and uses in the H-I, Heavy Industrial district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article 3	General Provisions
Article 8	Use Standards
Article 9	Parking, Loading, and Access Management
Article 10	Landscaping and Screening
Article 11	Signs
Article 12	Exterior Lighting
Article 13	Special Provisions

Section 7.202 H-I, Heavy Industrial District

The H-I, Heavy Industrial district is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The H-I district is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared materials.

A. Permitted Uses

1. L-I permitted uses.
2. Heating and electric power generating plants.
3. Accessory uses, buildings and structures customarily incidental to any of the above uses, except use or storage of hazardous materials or above ground fuel storage, or accessory incinerators which require a separate Special Use Approval.

B. Permitted Uses after Special Approval

1. L-I permitted uses after special approval.
2. Junk or salvage yards
3. Quarries, Crushing and/or Batch Plants
4. Manufacturing, wholesale distribution, or warehousing of fireworks, explosives, ammunition, or other detonable materials.
5. Millwork, lumber and planning mills

6. Any of the following processing, production or manufacturing uses (not including storage of finished products) provided that they are located a minimum of 800 feet from any Residential District and a minimum of 300 feet from any other zoning district:
   a) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
   b) Blast furnace, steel furnace, blooming or rolling mill.
   c) Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
   d) Petroleum or other inflammable liquids, production, refining or storage.
   e) Manufacturing, assembly, stamping, and processing of raw materials into finished products.
   f) Asphalt or concrete plants
   g) Foundries
6. Stamping Plants, Punch Presses, Press Brakes, and Other Machines
7. Truck Terminals
8. Slaughter houses, rendering plants, stockyards
9. Wind Energy Conversion Systems
10. Uses of the same nature or class as uses listed in this district as either a Permitted Use or a Permitted Use after Special Approval, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission
11. Accessory uses, buildings and structures customarily incidental to any of the above uses.

C. Development Standards

Buildings and uses in the H-I, Light Industrial district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Outdoor Storage and Trailers**. There shall be no outside storage of any goods, inventory, or equipment except in designated areas that shall be enclosed on all sides with a screening fence or wall. Use of trailers for storage is prohibited, unless licensed and roadworthy according to the Motor vehicle code of the State of Michigan.

3. **Lot Standards.** Buildings and uses in the H-I, Heavy Industrial district are subject to the requirements of Article 5, Schedule of Regulations.

4. **Planned Development.** Planned Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

5. **General Development Standards.** Buildings and uses in the H-I, Heavy Industrial district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

   Article 3 General Provisions
   Article 8 Use Standards
   Article 9 Parking, Loading, and Access Management
   Article 10 Landscaping and Screening
   Article 11 Signs
   Article 12 Exterior Lighting
   Article 13 Special Provisions

Section 7.300 Marina District.

Section 7.301 MD, Marina District

The waterfront areas in Monroe Charter Township are natural resources that are unique in character and different than other areas in the Township. The purpose of the MD, Marina District is, therefore, to permit certain water oriented, complementary and environmentally related uses and facilities that would enhance the general benefit and contribute toward the enjoyment of the public by providing locations for boating, navigational, and water oriented recreational facilities and for certain retail businesses and residential uses that are related to and compatible with waterfront areas, without negatively impacting upon existing or future surrounding land uses, and the environment in which they are located.

A. Permitted Uses

1. Public or private facilities for berthing and storage of watercraft
2. Retail sales of food, beverage, and other goods customarily used and stored on watercraft
3. Public or private beaches
4. Public launching facilities
5. Essential Services
6. Accessory structures and uses customarily incidental to the above permitted uses.

B. Permitted Uses after Special Approval

1. A single fueling station solely for the purpose of providing fuel to watercraft
2. Leasing or rental office for recreational watercraft
3. Restaurants without a drive-through service
4. Dry-dock storage and engine repair service
5. Hotel or motels
6. Retail sales of watercraft or commodities related to waterfront recreation
7. Institutional uses.
8. Wind Energy Conversion Systems
9. Uses that are similar, appropriate and consistent with this article as determine by the Planning Commission

C. Development Standards

Buildings and uses in the MD, Marina district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

1. **Site Plan Review**. Site plan review and approval where applicable.

2. **Outdoor Storage**. There shall be no outside storage of any goods, inventory, or equipment except in designated areas that shall be enclosed on all sides with a screening fence or wall.

3. **Lot Standards.** Buildings and uses in the MD, Marina district are subject to Article 5, Schedule of Regulations.

4. **General Development Standards.** Buildings and uses in the MD, Marina district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article 3	General Provisions
Article 8	Use Standards
Article 9	Parking, Loading, and Access Management
Article 10	Landscaping and Screening
Article 11	Signs
Article 12	Exterior Lighting
Article 13	Special Provisions

Article 8
USE STANDARDS

Section 8.000 Use Standards

Section 8.001 Intent

Each use listed in this Article, whether permitted by right or subject to approval as a special use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to:

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

Section 8.002 Scope of Regulations

Conformance with these standards shall be subject to site plan review per Section 17.01, Site Plan Review. Unless otherwise specified in this Article, all uses shall be subject to all applicable dimensional and use standards for the district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 3.501, Performance Standards.

Section 8.100 Use Standards

Section 8.101 Accessory Retail and Service Uses

In certain businesses, the accessory use is an integral part of the overall business operation, such that the business takes on the character of a “mixed use”. In these cases, the specific guidelines provided in this section determine if the accessory use is reasonable and should be permitted.

A. Accessory Retail or Service Uses in Industrial Districts

1. An accessory retail use or service that is intended to serve the occupants and patrons of the principal use shall be an incidental use occupying no more than 10 percent of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:

    a) Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.

    b) Personal service establishments which are intended to serve workers or visitor in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.

    c) Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.

    d) Financial institutions, including banks, credit unions, and savings and loan associations.

    e) Child daycare facilities.

2. Accessory retail sales of products produced on the premises and products similar to those produced on the premises shall be permitted subject to the following conditions:

   a) **Character of the Principal Use**. The principal use on the site must remain industrial in character. Accordingly, there shall be no outside displays of any kind.

   b) **Percent of Floor Area**. The retail activity shall occupy no more than 20 percent of total floor area of the building or 500 square feet, whichever is less.

   c) **Ratio of Products Produced On-premises vs. Off-premises**. The volume of products offered for sale and produced on the premises shall exceed the volume of products offered for sale and produced off the premises. In making this determination, measurements can be based on total occupied floor area or total number of units offered for sale.

   d) **Special use**. Accessory retail sales in an industrial district shall be subject to special use approval, pursuant to Section 17.02.

B. Industrial Uses in Commercial Districts. Industrial, processing, and warehouse uses shall be deemed acceptable accessory uses in commercial districts if the following criteria are met:

1. **Character of the "Industrial" Use**. Assembly, fabrication, manufacturing, and warehouse activities shall be directly related to the specific products or services permitted as principal use on the site.

2. **Limits of Industrial Activity**. Any products manufactured or produced shall not be for distribution to other retail stores or manufacturing facilities.

3. **Types of Equipment**. Heavy machinery typically found in manufacturing or industrial plants shall not be permitted. The machinery shall not create dust, noise, odor, vibration or fumes that would cause an adverse impact on neighborhood properties.

4. **Percent of Floor Area**. The industrial activity shall occupy no more than 20 percent of total floor area.

5. **Compatibility of Traffic**. The type of and quantity of traffic generated by the industrial activity shall be compatible with permitted retail uses in the district.

6. **Outside Activity Prohibited**. Industrial activity, if permitted, shall be located within a completely enclosed building. There shall be not outside storage, except as specifically permitted in the district in which the use is located.

Section 8.102 Adult Entertainment Uses

It is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

Accordingly, it is the intent and purpose of Monroe Charter Township to adopt reasonable regulations for adult entertainment uses in the Township, so as to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Therefore, in addition to other regulations set forth in this Ordinance, the operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following requirements:

A. Minimum Separation

The following minimum separation distances shall be measured by a straight line between a point on the boundary of a zoning district listed below or a lot occupied by a use listed below

nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use and the nearest point on the contemplated structure or contemplated location of the structure containing the adult entertainment use.

1. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use, nor any of the following:
    a) All Class "C" establishments licensed by the Michigan Liquor Control Commission.
    b) Pool or billiard halls, amusement centers, or ice or roller skating rinks.
    c) Indoor or outdoor movie theaters.
    d) Any institutional use, as defined in Section 2.02, Definitions.
    e) Any child day care center.
    f) The boundary of any residential district or residential use.
2. The Zoning Board of Appeals may waive the foregoing spacing requirements if it finds that the following conditions exist:
    a) The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing requirement will still be observed.
    b) The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, or disrupting neighborhood development.
    c) The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of neighborhood renewal.
    d) Where all other applicable regulations within the Zoning Ordinance or other pertinent general law ordinances will be observed.

B. Use Standards

1. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
2. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, window or other opening.

C. Review Standards

A public hearing is required and shall be noticed per standards in Section 12.03.A. Public Hearing Procedures. The Planning Commission review shall be limited to those conditions necessary to ensure compliance with the standards in the sub section and the standards in Article 5, Schedule of Regulations.

Section 8.103 Aircraft Landing Strips

Private aircraft landing strips, hangers, masts, and related facilities shall comply with the following:

1. The aircraft landing strip site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.

2. All required "clear zones" (as defined by the FAA) shall be owned by the aircraft landing strip owner, or set aside as permanent open space by a recorded conservation easement.

3. The number of permitted runways shall not exceed two (2).

4. Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for accessory offices and other uses associated with the landing strip per Section 9.05 C.

5. An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles constructed of either asphalt, concrete, or compacted gravel.

6. The plans for such facilities shall be subject to approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, where required by these agencies. Use of the landing strip shall be limited to aircraft classified as airplane design group (ADG) Group 1 and 2 by Federal Standards.

Section 8.104 Amusement Arcades

A. Access

All amusement arcades shall have frontage on and direct vehicle access to a public street classified as a collector, arterial, or major thoroughfare by the Township's Master Plan or Monroe County Road Commission.

B. Location

No arcade shall be located within 500 feet of a school, place of worship, or any residentially zoned property.

Section 8.105 Automobile or Vehicle Dealerships and Similar Uses

Automobile or vehicle dealers, including those establishments with repair facilities and/or outdoor sales space, shall be subject to the requirements of this section. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, boats, trucks, and other vehicles. All such dealers shall be further subject to the requirements of Section 8.140, Outdoor Sales or Display Areas.

A. Setbacks

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the location requirements for parking lots, as specified in Article 9, Parking, Loading, and Access Management.

B. Screening

In addition to the applicable screening requirements of Article 10.00, all uses shall provide a two-foot high decorative masonry wall along any street frontage, excepting entrance and exit drives. The screening wall shall comply with the provisions of Section 10.05 E.

C. Grading, Surfacing, and Drainage

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township Engineer.

D. Driveway Location

The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least 50 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

E. Outdoor Display

Outdoor display of all uses shall comply with the provisions of Section 8.140.

F. Servicing of Vehicles

The servicing of all uses shall be subject to the following requirements:

1. Service activities shall be clearly incidental to the sales operation.
2. Service activities shall occur within a completely enclosed building.
3. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
4. A building containing service operations shall be located a minimum of 50 feet from any property line.
5. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

G. Additional Use Standards

1. **Broadcasting Devices Prohibited**. Devices for the transmission or broadcasting of voice or music shall be directed or muffled to prevent sound from being audible beyond the lot boundaries in conformance with Section 3.501, Performance Standards.
2. **Permanent Building Required**. There shall be provided on the site a permanent building within which records of the dealership shall be stored.
3. No flashing or oscillating lights, or turning or rotating signs or banners, shall be permitted in connection with any automobile dealership.
4. All dealerships shall comply with applicable Monroe County Health Department regulations.

Section 8.106 Automotive Gas Stations and Automotive Service Stations

The following regulations shall apply to gas stations or automotive service stations, including tire, battery, muffler, and undercoating shops:

A. Minimum Setbacks

Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes.

B. Pump Island Canopy

Pump islands and canopies shall comply with the following requirements:

1. **Location**. The minimum setback for the right-of -way line shall be:
   a) 30 feet to the nearest edge of the pump island
   b) 20 feet to the nearest edge of the unenclosed canopy
2. **Lighting**. All lighting shall be fully recessed into the canopy structure.
3. **Dimensional Requirements**. The underside of the canopy shall be no higher than 16 feet from grade and so noted on the site plan.
4. **Signage.** All signs, logos, or identifying paint schemes shall be shown on the site plan for review by the Planning Commission.

C. Ingress and Egress

Ingress and egress drives shall be a minimum 30 feet and a maximum of 40 feet in width. No more than one (1) such drive or curb opening shall be permitted for every 75 feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least 25 feet from the nearest point of any property zoned or used for residential purposes.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

D. Curbs

A curb of at least six (6) inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property.

E. Layout

All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.

F. Outside Storage

Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days, provided such vehicles are stored in the rear yard within a masonry screening wall that is not less than six (6) feet in height.

G. Vehicle Sales and Storage

The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises are prohibited.

Section 8.107 Bed and Breakfast Inns

Bed and breakfast inns shall comply with the following:

A. **Primary Residence.** The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.

B. **Guests.** Guests may stay no longer than 14 days in succession or a total of 60 days in any 12-month period. Off-street parking areas shall be provided for all guests and shall not be located in any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.

C. **Screening.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in accordance with Section 10.05, Methods of Screening.

D. **Limitations.** A bed and breakfast inn shall have direct access to a public road. Bed and breakfast inns shall be prohibited on lots abutting and with primary access to private roads, and on lots located in a platted subdivision or a site condominium project.

E. **Use Standards.** The following additional use standards shall apply to all bed and breakfast inns:

a) There shall be no separate kitchen facilities for the use of bed and breakfast guests.

b) Food may be served only to those persons who rent a room in the bed and breakfast facility.

c) Bed and breakfast inns shall be limited to a maximum of four (4) sleeping rooms.

d) A bed and breakfast operation shall provide a minimum of one (1) full bathroom facility for the owner, plus one (1) separate full bathroom facility for each two (2) permitted sleeping rooms.

e) The location of exits, emergency exit routes, and tornado protection locations should be clearly posted on the interior of each guest room door.

F. **Approval.** Bed and breakfast inns shall be subject to Planning Commission Approval. The site plan application shall include floor plans with the following additional information:

a) Dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.).

b) Locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

c) Fire Department review and approval is required.

Section 8.108 Big Box Commercial

A. Standards for Use

Any commercial use with more than 50,000 square feet of total gross floor area (including 'big-box' stores, supermarkets, wholesale stores, and multi-tenant shopping centers with more than 50,000 square feet of total gross floor area in a single building footprint) shall be subject to the following:

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

   a) Sites shall have frontage on a public street classified as an arterial or major thoroughfare by the Township's Master Plan, this Ordinance, or county or State road authorities. Vehicle access to local or collector streets shall be prohibited.

   b) A traffic impact study shall be provided, per Section 9.12, Transportation Impact Studies.

   c) A retail market study demonstrating the need for the proposed facility shall be provided.

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

3. **Screening.** Screening shall be required from adjacent residential districts in accordance with Section 10.05, Methods of Screening, along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment. In addition, front yard parking shall be screened in accordance with Section 10.05, Methods of Screening.

4. **Loading Areas.** Loading/unloading of merchandise or equipment, and trash disposal or compaction shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m., provided that all activity occurs inside the truck or trailer or within the building.

5. **Pedestrian Access.** A 5-foot wide concrete sidewalk shall be provided from public sidewalks to all public entrances of a big-box commercial use in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

Section 8.109 Car Washes

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

A. Use Standards

1. All washing facilities shall be completely within an enclosed-building, and exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
2. Steam used in the cleaning process shall be contained within an enclosed building.
3. Vacuuming facilities shall be prohibited between the road right-of-way and the building, and shall be set back a minimum of 50 feet from any residential use.

B. Setbacks

1. All building shall have a front yard setback of not less than 40 feet from the road right-of-way.

C. Ingress/Egress

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

1. Ingress and egress points shall be located no closer than 60 feet from the intersection of any two (2) public roads.
2. Public roads shall not be used for maneuvering or parking by vehicles to be serviced by the car wash. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent public road.
3. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash lot.

D. Screening

The use shall be screened from adjacent residential districts or uses per Section 10.05, Methods of Screening, including screening for all loading facilities, trash dumpsters, and mechanical equipment.

Section 8.110 Reserved

Section 8.111 Caretaker Residences

Caretaker Residences shall be and shall remain incidental to the primary use of the property and shall be subject to the following:

A. Dimensional Requirements

A caretaker's residence may be provided as a detached single-family dwelling subject to Section 8.153, Single Family Dwellings, Detached and the dimensional standards of the R-2, Medium Density Residential District, as specified in Article 5, Schedule of Regulations Dimensional Standards.

B. Occupancy

The caretaker and his/her family shall be the only occupants of the caretaker's residence.

Section 8.112 Cemeteries

Cemeteries and similar uses shall be subject to the following:

A. Ingress and Egress

All access shall be provided from a public road classified as a county primary road by the Township's Master Plan or Monroe County Road Commission.

B. Screening

All sides of the cemetery shall be secured by a continuous fence or wall, and screened from abutting residential districts or existing residential uses per Section 10.05, Methods of Screening.

1. **Setback.** All crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be located at least 100 feet from the nearest lot boundary.

2. **Continuity.** The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.

3. **Compliance.** An approved cemetery shall comply with all Federal, State and local laws, and applicable regulations of the State of Michigan.

Section 8.113 Child Day Care Centers, Group Child Day Care Homes, and Adult Foster Care Large Group Homes

The following regulations shall apply to child day care centers, group child day care homes, and adult foster care large group homes:

A. Licensing

In accordance with applicable state laws, all facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.

B. Outdoor Recreation Area

A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per person at the licensed capacity of the facility, provided that child day care centers shall provide a minimum 5,000 square foot outdoor fenced recreation area.

C. Pick-up and Drop-off

Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road.

Such uses shall have frontage on, and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or Monroe County Road Commission.

D. Separation Requirements

New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or the Township overall.

E. Hours of Operation

Day care facilities in the Agricultural and Residential districts or shall not exceed 16 hours of operation during a 24 hour period.

Section 8.114 Composting Centers

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

A. Size and Location

1. The minimum size of a composting facility shall be 20 acres.

2. A Level I Environmental Assessment of the site shall be conducted prior to site plan review in accordance with the standards established by the DNR, that include:

   a) Walking the site in a systematic grid pattern to visually inspect for signs of adverse environmental activity. This includes a search for stressed vegetation, strained geologic structures, obvious placement of fill/debris, or the excavation of earth.

   b) Aerial photographs are reviewed from a historical perspective over the last few decades.

c) Property ownership records and permit activities from the regulating agencies are researched and reviewed. Also, selected neighboring landowners are interviewed for their knowledge of any activity on the site.

d) Based upon the site inspection and data review, a chronological description of activity on the site can be established.

3. A composting facility shall not be allowed in any 100-year floodplain.

4. A composting facility shall not be allowed in any protected wetlands.

B. Ground and Surface Water Quality

1. To ensure that ground or surface waters are not contaminated, monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. The owner/operator and/or lessee shall assume all review costs.

2. If any stream or swale is present on the site, it shall be buffered by a 20 foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required ensuring the stream is adequately protected from pollution.

3. The surface and ground waters at a composting facility shall comply with the water quality requirements of Act 245 of Public Acts of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated hereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.

4. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two year period after operations cease for compliance with Act 255 of Public Acts of 1929, as amended. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.

5. Should test wells reveal violation of the water quality requirements of Act 245 of Public Acts of 1929, as amended. The petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. Owner/operator or lessee shall assume all costs.

6. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control and for compliance with Act 255 of Public Act of 1929, as amended. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. The owner/operator or lessee shall assume all costs for such monitoring.

7. Analysis for all ground and surface water monitoring events shall be submitted to the Township within 60 days after analyses.

8. Discharge of water collected in an on-site retention basin shall only be handled in the following ways:

a) Reintroduced into the compost pile.

b) Directed into a sanitary sewer.

c) Transported by a liquid industrial waste hauler.

C. Site Plan Requirements for Composting Facilities

This section establishes the requirements and procedures for operation of composting facilities for all facilities to be operated in Monroe Charter Township. All composting facilities shall submit a site plan to Monroe Charter Township for approval, containing the following:

1. Access route traffic patterns as well as on-site traffic patterns.
2. Maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored to prevent rutting that would allow on-site ponding or puddling of water in places other than a retention basin.
3. Written documentation addressing the following:
   a) Hours of operation.
   b) Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
   c) Method of receiving compost materials.
   d) Method of sorting and handling composting materials on-site.
   e) Measures to be taken should anaerobic conditions arise.
   f) Expected frequency of removal of composted materials.
   g) Fire protection.
   h) Description of daily cleanup procedures.
   i) Measures to be taken should surface or groundwater contamination take place.
   j) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.

D. Use Standards

1. All facilities covered under this section must notify the Monroe Charter Township Building Official and Monroe County Health Department that actual operations have begun.
2. Compost materials shall not be accepted on site in an anaerobic condition.
3. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Township Building Official. If anaerobic conditions arise more than two (2) times in a 30 calendar day period, the facility shall pay a fine set by Township Board and close for 30 calendar days. After three (3) such closures within one (1) calendar year, the Township may order the site to be closed permanently.

E. Screening and Separation Standards

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

1. An isolation distance shall be maintained between the beginning of the program area designated to the composting facility and residential land uses. No composting facility shall be constructed within 1,200 feet of an existing residential dwelling. The isolation distance shall be measured from the beginning of the program area designated to the composting facility to the residential lot line.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.05, Methods of Screening.

F. Off-Site Road Maintenance

This subsection is enacted to ensure that tracking of mud or compost materials from composting areas onto public off-site roads will be minimized and to assure that mud or compost materials that are tracked off-site are adequately removed. At the time of site plan approval, the operator of the composting facility shall submit an off-site road maintenance plan that addresses the following minimum provisions:

1. Method of dislodging mud and/or composting materials from the vehicles or undercarriage.
2. An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.
3. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits.
4. Methods of cleaning trucks and off-site roads as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.

G. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.

The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. The Planning Commission shall approve this plan.

If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Building Official, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten working days from the date that the Building Official notifies the operator. This plan shall demonstrate to the satisfaction of the Building Official that the problem will be abated within two weeks.

H. Compost Storage

The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property, and no bagged materials containing grass shall be accepted at a composting facility. Grass contained in bags shall be de-bagged at the original point of collection before being hauled to the composting facility.

I. Closure Plan

A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days.

1. The plan shall describe:
   a) How the existing site will be cleaned up.
   b) How and where the existing surface debris will be disposed.
   c) What the final disposition of the land will be.
2. The petitioner shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. The deposit

shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount to be determined acceptable by the Township Board.

3. Violation of any of the provisions of this Section shall result in the Township having the right to close or cleanup the composting facility and operation at the expense of the owner/operator or lessee of the composting facility.

4. The Township may, at such time, direct the owner/operator or lessee to close or clean up the composting facility at the owner/operator or lessee's expense.

J. Right of Entry and Inspection

All composting areas are subject to inspection by the any designate agent of the Township, during reasonable hours. The Township agent shall be empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, videotape, or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined. Based on an alleged violation of this Ordinance, Township Building Official, Zoning Administrator or code enforcement officer may enter the disposal area when accompanied by a representative of the facility.

Section 8.115 Drive-through Facilities

A. Setbacks

Drive-through lanes, facilities or establishments shall be set back a minimum of 100 feet from abutting Residential districts.

B. Screening

Screening shall be required from adjacent residential uses per Section 10.05, Methods of Screening, along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

C. Stacking

All vehicle stacking lanes and spaces shall be contained on the lot.

D. Location

All drive-through facilities shall be attached to and located at the rear or side of the principal building.

E. Noise Abatement

Devices for the transmission of voices shall be directed or muffled to prevent sound from being audible beyond the lot boundaries in conformance with Section 3.501, Performance Standards.

F. Prohibited Use

Sales of alcoholic beverages shall be prohibited through any drive through window.

G. Menu Boards

Menu boards may be erected as an accessory use to a drive-through lane for a business, subject to the following:

1. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from street rights-of-way and residential districts or uses.

2. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.

3. A menu board shall not exceed six (6) feet in height and 48 square feet in area.

Section 8.116 Extractive Operations

The purpose of this Section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provisions for the present and future health, safety and welfare of the people of the community. The development and

utilization of mineral resources in the Township shall be subject to appropriate regulations of the Township and other regulating authorities.

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

A. Scope

The following types of extractive activities shall be subject to the regulations of this Section:

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

These regulations, however, shall not affect the excavations of residential dwellings, commercial or industrial buildings, roads, wells, parking lots, sewer or water lines, or similar uses pursuant to the State Construction Code enforced by the Township.

B. General Requirements

1. **Extractive Operations.** The extractive process, loading process, and public loading process shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturdays. Extractive operations shall not be permitted on Sundays or legal holidays, except under exceptional circumstances (i.e., shutting down of kilns or furnaces).
    a) Each permittee shall be held responsible for the clean up of any spillage of materials, such as: dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel route(s). Any such material shall be removed within 24 hours of receipt of notice from the Township.
    b) Travel routes for trucks shall be submitted to and subject to the standards of the Monroe County Road Commission.
    c) Any odors, smoke, fumes or dust generated on the extractive operations site by any digging, excavating, loading or processing activities shall be in conformance with the provisions of the Natural Resources and Environmental Protection Act, Part 55, Air Pollution Control, as administered by the Michigan Department of Environmental Quality and in conformance with the rules promulgated thereunder.
    d) Any noise generated on the extractive operations site by any digging, excavating, loading or processing activities shall not exceed a reading of 65 decibels at the property line.
    e) The extractive operation shall be conducted in accordance with the Natural Resources and Environmental Protection Act, Part 31, Water Resources Protection, as administered by the Michigan Department of Environmental Quality and in conformance with the rules promulgated thereunder.
    f) The extractive operation shall be conducted in accordance with the provisions of the Natural Resources and Environmental Protection Act, Part 91, Soil Erosion and Sedimentation Control, as administered by the Monroe County Drain Commission.
2. **Reclamation Activities.** All abandoned extractive operations shall be rehabilitated progressively to a condition entirely lacking hazards, inconspicuous, and blended with the general surrounding environment and topography. Upon abandonment of

the extractive operations, the permittee shall, within a reasonable period of time not to exceed 365 calendar days, remove all plant structures, stockpiles, and equipment. Structures that have a function under the reclamation plan may be retained.

3. **Blasting Activities.** Blasting or the setting off of an explosive shall be restricted to the hours between 8:00 a.m., and 2:00 p.m., on weekdays except in case of extreme emergency. No blasting shall be permitted on Sundays or legal holidays.

   a) Any applicant blasting or setting off an explosive within the Township, shall give the Township an estimated schedule of blasting operations and will also give notice to the Township as to the time and occurrence of each blast prior thereto by at least four (4) hours. The applicant shall also give a blasting notice to any resident living within ½ mile of the blasting site if requested by the resident in writing.

   b) The Township shall have the right to have a staff representative on site at the time of each blast to insure its compliance with the provisions of this Ordinance.

   c) The type of explosive and detonating equipment, including size, timing and frequency of the blast shall be limited based on the physical conditions of the site so as to prevent: (1) injury to persons, (2) damage to public and private property outside the permit area, (3) adverse impaction of any underground mine; and, (4) change in the course, channels or availability of ground or surface water outside the permit area.

   d) The intensity of ground motion produced by blasting operations shall not exceed the limit recommendations for residential structures developed by the U.S. Bureau of Mines, as follows:

      (1) Vibration frequencies less than 15 Hz:

      (2) 0.75 inches per second for drywall construction

      (3) 0.50 inches per second for plaster construction

   e) Vibration frequencies of 15 Hz to 40 Hz shall be measured as follows: Peak particle velocity = 0.05 X frequency. For example, a peak particle velocity limit at 30 Hz = 1.5 inches per second.

   f) Vibration frequencies of 40 Hz and higher shall not exceed 2.00 inches per second.

   g) The maximum peak particle velocity limits shall apply to each of the mutually perpendicular directions (longitudinal, transverse or vertical). Refer to the U.S. Bureau of Mines Report – Blasting, Impulsive Noise and Vibration (Ord. No. 232-2, R.I. 8507 of Appendix B).

   h) An independent testing laboratory shall be provided by the applicant and approved by the Township, who shall provide adequate equipment for the purpose of monitoring the blast and shall be further required to maintain records prepared by an individual certified in the operation of said equipment and able to further attest to the accuracy of the blast monitoring records. Copies of these records shall be provided to the Township.

   i) The applicant shall maintain a log detailing the location of the blast, the pattern and depth of the drill holes, the amount of explosive per hole, and the order and length of delay in the blasts. The log shall be maintained for a period not less than three (3) years and shall be made available to the Township upon request.

C. Design Requirements

1. **Extractive Operations**. The following design requirements shall apply to all extractive operations:

   a) There shall be not more than one (1) entranceway from a public road for each 660 feet of front lot line. Said entrance shall be located not less than 500 feet from an intersection of two (2) or more public roads.

   b) No digging, stockpiling, excavating or equipment storage and repair shall take place closer than 100 feet from any lot line, and 300 feet from an existing residential zoning district. If inactive for more than one (1) year, stockpiles of surface overburden shall be seeded with grass or other materials so to prevent erosion onto other premises.

   c) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any existing residential zoning district. In the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such machinery or equipment, the operation of such equipment or machinery may continue henceforth, but in no case less than 100 feet from any lot line adjacent to said residential district.

   d) During the site plan review process, the Planning Commission shall determine whether a fence will be required. If required, the location of the fence, type of fence and any posting requirements shall also be determined as part of the site plan review process.

   e) The slope of the banks within the second 100 feet measuring from the near edge of a public right-of-way or within the second 100 feet measuring from the property line of an adjoining land owner, or within the second 250 feet to the nearest residence, shall not exceed one (1) foot vertical drop to each four (4) feet horizontal.

   f) A permanent or portable processing plant and its accessory structures shall not be closer than 250 feet from any property line not associated with the extractive operation or a public right-of-way.

   g) The Township Board may require such other requirements as may be deemed necessary in the interest of public health, safety, and general welfare of the residents of Monroe Charter Township.

2. **Reclamation Activities.** The following design requirements shall apply to all reclamation activities:

   a) Submerged slopes of any body of water shall not exceed one (1) foot vertical drop to each four (4) feet horizontal to a depth of eight (8) feet.

   b) The surface of the extractive operation which is not permanently submerged shall be graded or backfilled with local surface overburden materials as necessary to produce a topography similar to that in the surrounding area or of a gentle rolling surface, that will minimize wind and water erosion. Topsoil, of a quality similar to the area, shall be applied in a thickness of no less than six (6) inches over the surface overburden.

   c) Vegetation common to the area shall be restored by the seeding of grasses and subsequent planting of trees and shrubs to establish a self-sustaining vegetative cover on the land surface, to minimize erosion.

D. Application Procedures and Review Process

All blasting and extractive operation activities shall be carried out under the conditions of a Special Use Permit. At the time of application for a Special Use Permit for an extractive

operation, the applicant shall submit an extractive and reclamation plan to the Township Planning Commission.

1. The applicant shall file an extractive and reclamation site plan in accordance with the requirements of this Subsection. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by any county or state agency of competent jurisdiction. On the basis of this plan, the operating company shall file a statement of the area to be excavated.

2. Before commencement of extractive operations, a permit shall be issued by the Building Official upon payment of any annual fee for inspections in accordance with the Schedule of Fees as adopted by the Monroe Charter Township Board. This fee shall defray any administrative expense rising out of the extractive operation.

3. A yearly permit shall also be required for any blasting done within the Township. The permit shall be issued by the Building Official and shall be in accordance with the Schedule of Fees as adopted by the Monroe Charter Township Board.

E. Site Plan Requirements

1. **Extractive Operations Component.** The following information shall be included with the site plan for an extractive operation, in addition to the information requirements of Section 17.01, Site Plan Review:

   a) Recent aerial photos (within the last five years) showing the extractive area and adjacent property, location and outline of wooded areas, streams, wetlands, and other natural features;

   b) Location of existing and planned site improvements such as building, equipment, stockpiles, roads or other features necessary to the extractive operation;

   c) Total area to be affected by the extractive operation, including a final grading plan;

   d) Location and description of soil types;

   e) The type and an estimate of the amount of material to be extracted from the site and the expected termination date of the extractive operations;

   f) Description of all activities to be conducted on the premises such as, but not limited to, operating hours, methods of extractive, sorting and washing operations, and the type, size and nature of the equipment to be used;

   g) Required affidavits or permits of operation secured from County, State or Federal agencies, addressing pollution or erosion control measures adopted by the extractive operation;

   h) Certified statement by a professional geologist with supporting data and analyses, concerning expected impact on groundwater resources and water supply wells in the vicinity of the site. To verify this information, the Township may require any or all of the following:

      (1) Information regarding the water table through the planned extractive operation area and within a ½ mile of the site.

      (2) An opinion on all impacts on the water table and private wells within the reasonably anticipated area of impact during and subsequent to the extractive operation. Each private well should be referenced on the site plan.

      (3) Information on the quality and anticipated impacts on surface water, groundwater and the watershed during and subsequent to the extractive operation.

i) A map showing truck routes to and from the site; and as reviewed and approved by Township and the Monroe County Road Commission, if required by the Road Commission.

j) Name, address, and telephone number of person with official authority to represent operation in extractive matters.

2. **Reclamation Component.** The following information shall be included with the site plan for the reclamation component, in addition to the information requirements of Section 17.01, Site Plan Review:

a) Schedule and areas of progressive rehabilitation.

b) The proposed use of the site when restored.

c) Provisions for grading, re-vegetation and standardization that will minimize erosion, sedimentation and public safety problems.

d) Name, address, and telephone number of a person with official authority to represent operator in reclamation matters.

F. Financial Guarantees

The applicant shall provide the Township with a financial security, in the form and amount acceptable to the Township Board, to guarantee the reclamation and rehabilitation of the site according to the approved plan.

1. The applicant shall provide the appropriate permitting information regarding financial guarantees, if required, from the Monroe County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles, in accordance with the provisions of the Monroe County Road Commission Haul Route Policy.

2. Proof of liability insurance with Monroe Charter Township listed.

G. Inspection and Conformance

The designated representative of the Township may make up to four (4) inspections of the extractive operation per calendar year, to ensure conformance with the requirements of this Ordinance. The applicant shall pay inspection fee for such inspections pursuant to the fee schedule established by the Township Board.

1. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the permittee.

2. Failure on the part of the permittee to correct a reported violation within 30 days after the Township makes such request shall be reason for revocation or suspension of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of good and sufficient cause by the permittee.

Section 8.117 Farms for Production of Food, Feed or Fiber

Farming operations, including: raising of livestock and poultry, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises for use of land and structures shall be subject to the following:

A. General Standards

Raising of livestock in any zoning district shall be kept in accordance with the most current Generally Accepted Agricultural and Management Practices (GAAMP) for the Care of Farm Animals as adopted by the Michigan Department of Agriculture.

B. Raising of Livestock in the AG District

Raising or keeping of livestock shall be permitted in the AG, Agricultural District. For lots in the AG District with two (2) acres or less of contiguous lot area, raising of livestock shall be subject to the following additional standards:

1. A shelter shall be provided with an appropriate fenced corral or pen sufficient to contain the livestock on the owner's property, which shall be set back a minimum of 50 feet from all lot boundaries.
2. The keeping of livestock shall not adversely impact ground and surface water quality of adjacent lots.
3. Construction or alteration of barns and outbuildings shall be subject to a building permit. Where such buildings abut a residential district or existing residential use, such buildings shall conform to minimum setback requirements for principal residential buildings in the zoning district.
4. Cattle and other livestock of similar size and exercise requirements shall be limited to a maximum of one (1) animal per acre. The combined number of cattle, horses, ponies or other equines shall not exceed one (1) per acre.
5. Pigs, sheep, goats, llamas, and other livestock of similar size and exercise requirements shall be limited to a maximum of two (2) animals per acre.
6. Poultry shall be limited to a maximum of 35 animals per acre in any combination.
7. Minimum land area requirements shall not overlap, and shall be calculated separately for each type of animal.

Section 8.118 Farm-Based Tourism or Entertainment Activities

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

1. Any sales and entertainment facilities shall have direct access to a state highway or county primary or secondary road by means of drives or roads that directly service the facility from the major or secondary thoroughfare.
2. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Section 17.01, Site Plan Review. Such plan shall show the intended use and location of all buildings and structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities and transition plantings or screening devices.
3. Crop growing areas of a depth of not less than 200 feet shall be provided on those sides of the property not abutting the county primary road servicing the farm.
4. Greenbelt tree plantings or other effective visual screening shall be provided where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities.
5. All parking shall be provided off the road right-of-way.
6. Noise levels shall not exceed 65 decibels at the property line of the farm where adjacent property has a dwelling unit within 200 feet of the property line nor shall it exceed a maximum of 75 decibels at any other property line.
7. Hours of operation of any outdoor entertainment facilities shall be limited to reasonable hours.

Section 8.119 Farm Markets, Produce Stands, and Feed Stores

Farm markets; produce stands, feed stores and similar on-site farm product sales shall be subject to the following:

A. Roadside Stands

Roadside stands up to 400 square feet in gross floor area shall be permitted accessory to any agricultural use, subject to the following:

1. A minimum of one (1) parking space shall be provided outside of the road right-of-way for each 100 square feet of gross floor area in the stand.
2. All signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of Article 11, Signs.
3. The stand shall be located a minimum of 50 feet from the nearest road pavement or improved surface. Such stands shall be portable, and shall be removed from its roadside location during seasons when it will not be in use.
4. All produce or products for sale shall be grown, produced, or made from produce grown or material produced on the property where the stand is located.

B. Farm Markets and Feed Stores

Farm markets, feed stores and similar on-site farm product sales exceeding 400 square feet in gross floor area shall be subject to the following:

1. **Site Plan Review.** Such uses shall be subject to site plan approval per Section 17.01, Site Plan Review, and shall conform with all parking, loading, screening, and other site development standards that apply to retail stores.
2. **Sale of Produce**. A minimum of 50 percent of the produce or products offered for sale shall be grown or produced on land in the Township, or made from produce grown or material produced on land in the Township.
3. **Size**. Such uses shall be located within a completely enclosed building that shall not exceed a maximum gross floor area of 5,000 square feet.
4. **Signs.** All signs shall comply with the requirements of Article 11, Signs for a non-residential use.

Section 8.120 Farm Products Storage, Distribution, and Processing Center

All storage, distribution, and processing of farm products shall comply with the following:

1. Such uses shall not create a health or safety hazard or have deleterious impact on the surrounding area due to operation. Such uses shall also be maintained so that odor, dust, or noise shall not constitute a hazard to adjoining lots and uses.
2. Any outdoor storage areas shall be adequately screened and covered in compliance with Section 8.141, Outdoor Storage, General.
3. The Planning Commission may limit the hours of operation of a distribution or processing use located within 500 feet of a residential district.

Section 8.121 Farm Labor Housing

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

1. The number of permitted farm labor dwelling units shall be limited to a maximum of five (5) accessory dwelling units per principal farm dwelling.
2. All structures for farm labor housing shall comply with the standards of Article 5, Schedule of Regulations for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing.

3. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Section 17.01, Site Plan Review.

4. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing Plans shall be provided to the Township, prior to the start of construction on the site.

Section 8.122 Filling Operations

The regulations set forth in this Section are designed to outline the parameters under which filling operations may be carried out. These regulations are intended to protect the health, safety and welfare of the Township residents; preserve ecological important features; and prohibit development which, unregulated, may have an adverse impact on the existing character of the Township. Filling operations shall be a special land use subject to Section 17.02 and the following:

A. General Requirements

The following general requirements shall apply:

1. The filling of land with rubbish or garbage, painted or coated concrete, concrete blocks, bricks, etc, construction and demolition waste, or any other waste matter as outlined by Part 115, Solid Waste Management of the Natural Resources and Environmental Protection Act, 1994, P.A. 451, as amended, and in violation of is hereby prohibited in all Zoning Districts without a permit.

2. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of material or as a result of involuntary internal combustion of the materials.

3. The Planning Commission may require a temporary fence to be erected to prevent the scattering of waste material.

4. All waste material fill, within 24 hours of depositing in the place or places authorized in the permit shall be covered with a layer of soil matter, 18 inches thick of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district. The Planning Commission may extend the above 24-hour period to a longer period based on stated conditions or circumstances.

5. All conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed or covered so as to reduce odor and the scattering of the matter being carried. The carrier operator shall recover any materials dropped in transit and restored the affected area to its prior condition.

6. The mass of material for fill shall not be greater than 12 inches in size.

B. Exception

The Code Enforcement officer and/or Building Official may waive the regulations for filling operations review by the Planning Commission and conduct an independent review to permit those filling operations that meet the following requirements:

1. The fill material does not include rubbish or garbage, painted or coated concrete, concrete blocks, bricks, etc, construction and demolition waste, or any other waste matter as outlined by Part 115, Solid Waste Management of the Natural Resources and Environmental Protection Act, 1994, P.A. 451, as amended.

2. The actual area on which the filling operation is to be performed does not exceed 10,000 square feet and does not lie within 10 feet of any property line.

3. The fill does not alter the topography of drain easements or other public or private easements of record or cause an increase in stormwater runoff to adjacent properties. Final grades of the perimeter of the filled area must be compatible to existing grades offsite.

4. All requirements of the Michigan Department of Natural Resources must be met.

5. The Code Enforcement officer and/or Building Official may require such other information deemed necessary for the public safety, health and welfare of the citizens of Monroe Charter Township.

6. The filling operation must be in compliance Monroe County Solid Waste Management Plan as it may be amended.

C. Application Procedures and Review Process

All fill activities shall be carried out under the conditions of Special Use Approval, except as stated in 8.122 B.

1. The applicant shall file a fill site plan in accordance with the requirements of this subsection. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by any county or state agency of competent jurisdiction. On the basis of this plan, the applicant shall file a statement of the area to be filled or altered.

2. The Planning Commission may require additional information from and impose reasonable conditions upon the applicant. Conditions may include those necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve natural resources, to insure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner.

3. Before commencement of fill operations, a permit shall be issued by the Building Official upon payment of any annual fee for inspections in accordance with the Schedule of Fees as adopted by the Monroe Charter Township Board. This fee shall defray any administrative expense rising out of the review of the filling operation.

D. Site Plan Requirements

The following shall be included with the site plan for a fill operation, in addition to the information requirements of Section 17.01, Site Plan Review:

1. Recent aerial photos (within the last five (5) years) showing the fill area and adjacent property, location and outline of wooded areas, streams, wetlands, and other natural features.

2. Total area to be affected by the fill operation, including a final grading plan.

3. Location and description of soil types.

4. The type and an estimate of the amount of material to be comprising the fill material on the site and the expected termination date of the fill operation.

5. A map showing truck routes to and from the site in compliance with the Monroe County Road Commission, if required.

6. Name, address, and telephone number of person with official authority to represent the fill operation.

E. Financial Guarantees

The applicant shall provide the Township with a financial security, in the form and amount acceptable to the Township Board and/or Planning Commission, to guarantee the reclamation and rehabilitation of the site according to the approved plan.

The applicant shall provide the appropriate permitting information regarding financial guarantees, if required, from the Monroe County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles, in accordance with the provisions of the Monroe County Road Commission Haul Route Policy.

Section 8.123 Reserved

Section 8.124 Funeral Homes and Mortuaries

A. Assembly Area
An adequate off-street assembly area shall be provided for funeral processions and activities. All maneuvering areas and exit aprons shall be located within the site and may be incorporated into the required off-street parking. Streets and alleys shall not be used for maneuvering or parking of vehicles.

B. Screening
The service and loading area shall be screened from adjacent residential districts or existing residential uses per Section 10.05, Methods of Screening.

C. Crematories
Crematories in conjunction with funeral homes or mortuaries are not permitted.

D. Caretaker Residence
A caretaker's residence may be provided per Section 8.111.

Section 8.125 Greenhouses, Nurseries, and Garden Centers

The following shall apply to greenhouses, nurseries, and garden centers:

A. Setbacks
Plant storage and display areas shall comply with the minimum setback requirements for the district in which the establishment is located.

B. Storage
The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

Section 8.126 Hazardous Materials Storage

Such uses shall comply with all standards of this Ordinance, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Monroe County Health Department, Monroe Township Fire Department, and other agencies with jurisdiction. The applicant must supply the following documentation with any plan submitted for review:

1. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
2. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures
5. Description of the process for maintaining and recording of all shipping manifests.
6. Description of how to maintain levels of protection as required by the Planning Commission.

Section 8.127 Home Occupations

Home occupations shall be subject to the following:

A. Use Standards

1. **Intensity of Use.** Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than 25 percent of the habitable floor area of the dwelling and 50 percent of the floor area of any accessory structure may be used for the home occupation.
2. **Employment.** There shall not be any employees of the home occupation employed in the home occupation, other than the dwelling occupants.
3. **Customer or Client Visits.** A home occupation shall not generate more than 10 customer or client visits per day, or more than 30 customer or client visits per week. No more than two (2) customers or clients may be present at any given time.
4. **Commercial Vehicle Parking and Deliveries.** Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a one (1) ton capacity, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers.
5. **Hours of Operation.** Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

B. Permitted Home Occupations

The following uses shall be permitted as home occupations.

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
2. Personal services, including hair or nail care, grooming, catering, and chauffeuring services.
3. Home office for a massage therapist, subject to the standards of Section 8.157, Therapeutic Massage.
4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. Any home occupation not specifically listed may be permitted as a special use, subject to the provisions of this Section and Section 17.02, Special Uses.

C. Prohibited Uses

The following uses are expressly prohibited as a home occupation:

1. Motor vehicle, recreational vehicle or boat repair, bump and paint shops, and salvage or storage yards.
2. Kennels and veterinary clinics.
3. Medical or dental clinics.
4. Retail sales of merchandise, and eating or drinking establishments.
5. Undertaking and funeral homes.

6. Adult uses and sexually oriented businesses.
7. Towing services.
8. Uses similar to the above listed uses, or any use which would, in the determination of the Enforcement Officer, result in nuisance factors as defined by this Ordinance.

D. Prohibited Activities

Home occupations shall not include:

1. Outdoor display, sales, service, or storage of product, materials, goods, supplies, or equipment used in the home occupation business.
2. The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
3. Changes or alterations to the character or appearance of the residence.
4. Use of any signs or outside displays on the premises, except as permitted for residential dwellings in Article 11, Signs.
5. Parking that cannot be accommodated on the site.

Section 8.128 Hospitals

A. Frontage and Access

Hospitals shall have frontage on, and direct vehicle access to a major thoroughfare. In no case shall access to a hospital be off a residential street.

B. Setbacks

The principal building and all accessory buildings shall be set back a minimum of 50 feet from all property lines. The minimum setback shall be increased 20 feet for each story in excess of two stories.

C. Accessory Uses

Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses, shall be allowed within the principal building to serve the needs of patients, employees, and visitors.

D. Screening

Ambulance parking, emergency room and urgent care entrances, and loading areas shall be effectively screened from adjacent residential districts or existing residential uses per Section 10.05 Method of Screening.

E. State and Federal Regulations

Hospitals shall be constructed, maintained, and operated in conformance with applicable State and Federal laws.

Section 8.129 Hotel, Motel

Hotels and motels shall be subject to the following:

A. Setbacks

Any hotel or motel building shall be at least 50 feet from any residential zoning district, with adequate screening and/or buffering from an adjacent residential use.

B. Units

1. Each rental unit shall contain at least a sleeping area and bathroom. The minimum gross floor area of each unit shall be 250 square feet.
2. The number of sleeping rooms shall not exceed the number obtained by dividing the total square footage of the site by 1,500.

C. Services
A hotel or motel shall provide services customary to such facilities, including maid service, linen service, telephone and/or desk service, and the use of furniture. No unrelated services are permitted.

D. Minimum Lot Width
A greenbelt shall be required along the road frontage, except at the drive entrance and exit.

Section 8.130 Institutional Uses

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities:

A. Height of Structure
The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 50 feet, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard.

The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy more than 20 percent of the roof area of the building.

B. Frontage and Access
Institutional uses shall have frontage on, and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or Monroe County Road Commission.

C. Setbacks
All buildings shall be setback a minimum of 75 feet from the front lot line and 25 feet from the rear and side lot line.

D. Large Scale Institutional Uses
A public, parochial and private schools including nursery schools, churches, libraries, community buildings, hospitals, convalescent Homes, municipal facilities or mortuaries, which have either one or both of the following characteristics are considered a large scale use:

1. 500 or more parking spaces are required based on the parking requirements in the Zoning Ordinance.
2. The seating capacity of the main area of assembly 1,500 or more.

Each large-scale use shall meet the following conditions in addition to all other provisions of this Ordinance. These standards are intended to restrict large-scale uses to suitable locations, and to mitigate any adverse impacts of the uses on the community.

1. **Location.**
   a) The site shall have at least 150 feet of frontage on a major thoroughfare with an existing or planned right-of-way of not less than 120 feet. All ingress and egress to the site shall be directly onto such major thoroughfares.
   b) All buildings, structures, and parking and loading areas shall be set back a minimum of 100 feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of Section 10.05, Methods of Screening.

2. **Traffic.** Traffic from events (including church worship services) and other large assemblies shall be controlled by the institution or church, or by its agents, so as to not create congestion or unreasonable delays on the public street. A schedule of expected frequency of events (including church worship services) and assemblies, a description of the method(s) of traffic control and a traffic impact study shall be presented to the Planning Commission for approval after review and comment on the plan by the Township Police Department.

3. **Associated Uses.** Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools (if not the primary use), convents, and others shall meet all requirements of this Ordinance for such uses.

4. **Parking.** All parking spaces and aisles shall be screened from off-site view by any one (1) or a combination of the following, in accordance with Section 10.05, Methods of Screening:

   a) Screening mound or berm.

   b) Dense evergreen screen.

   c) Solid wall with planting strip.

   d) Changes in grade through the use of retaining walls, topographic features.

5. **Additional Use Standards.** There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.

   a) There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.

   c) Storage of buses, trucks, and maintenance equipment shall be entirely within an enclosed building.

Section 8.131 Reserved

Section 8.132 Junk Yard and/or Salvage Yard

Junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall be subject to the following:

1. The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 3.304, Fences. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted.

2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.05, Methods of Screening. Such uses shall have frontage on and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or the Monroe County Road Commission.

3. Junk materials shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection or to interfere with or threaten the safety of visitors.

4. Junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety. The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.

5. The junk yard, when established and located within 1,000 feet of any existing residential district or residential use, as measured on a straight-line distance, shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m.

on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays. In addition, sale activities only are allowed on Saturdays between 12:00 noon and 8:00 p.m. Sundays from 9:00 a.m. to 6:00 p.m., and weekdays from 6:00 p.m. to 8:00 p.m.

6. Burning shall be prohibited except within an enclosed incinerator approved by the Township Fire Chief, the Township Building Official, and the Monroe County Health Department, and/or the Environmental Protection Agency (EPA).

7. All flammable liquids contained in automobiles and other vehicles shall be drained immediately after such vehicles are brought to the junkyard. Such liquids shall be stored in containers approved by the Township Fire Chief.

8. There shall be not more than one (1) entryway from each public street that adjoins the junkyard. All drives, parking areas, and loading/unloading areas shall be paved, or chemically treated to limit windborne dust.

Section 8.133 Reserved

Section 8.134 Kennels and Animal Shelters

Kennels and animal shelters shall conform to all applicable permit and operational requirements established by appropriate regulatory agencies, and shall further be subject to the following:

A. Number of Animals
If three (3) animals or more animals are housed on a site four (4) months of age or older, the subject site will be considered a kennel for the purpose of this Ordinance.

B. Setbacks
Structures or pens where animals are kept, outdoor runs, and exercise areas shall not be located in any required front yard setback areas. Such facilities shall be set back at least 300 feet from all road rights-of-way, and 100 feet from all side and rear lot boundariesdwellings on adjacent lots.

C. Screening
Structures where animals are kept, outdoor runs, and exercise areas shall be screened in accordance with Section 10.05, Methods of Screening.

D. Use Standards
Structures where animals are kept, outdoor runs, and exercise areas shall have impervious surfaces and an approved system for runoff, waste collection, and disposal. Kennels and animal shelters shall be established and maintained in accordance with all applicable County and Township sanitation and animal control regulations.

E. Additional Conditions
Such uses shall be subject to site plan approval per Section 17.01, Site Plan Review. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

Section 8.135 Livestock Production Facilities

All new and expanding livestock production facilities involving more than 50 animal unit equivalents, as defined by the Michigan Department of Agriculture and the table below, shall be subject to the following:

Animal Type	Number of Animals Needed to Equal 50 Animal Units
Slaughter and Feeder Cattle	50
Mature Dairy Cattle	35
Swine, over 55 pounds	125
Sheep and Lambs	500

Horses	25
Turkeys	2,750
Laying Hens or Broilers	5,000
Animal classes or types not otherwise listed	50,000 pounds total live weight of all animals in the group

1. Such uses shall be subject to site plan approval per Section 17.01, Site Plan Review.
2. New and expanding livestock production facilities shall comply with applicable Michigan Department of Agriculture (MDA) Generally Accepted Agricultural and Management Practices (GAAMP) for site selection and odor control.
3. All potential sites for new and expanding livestock facilities shall follow the MDA site selection review and verification process, and shall provide documentation from the MDA indicating that the facility conforms with the site selection and odor control of GAAMPs.
4. On-site disposal or slaughtering of animals shall be prohibited, except where the animals have been raised on the premises for consumption by residents of the premises.
5. Manure shall be stored in a manner that minimizes odor and run-off, in accordance with MDA accepted agricultural practices. Manure from confinement manure storage pits or holding areas shall be incorporated or disposed of in accordance with MDA accepted agricultural practices.

Section 8.136 Manufactured Housing Parks

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

A. Plan Review

The preliminary plan for a manufactured housing park shall be submitted to the Township and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the Township officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60-day review period. A copy of the state-approved final construction plan shall be submitted to the Township prior to the start of construction on the site.

B. Minimum Manufactured Housing Site Size

Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under Section 8.205 K, Open Space, or the Manufactured Housing Commission rules.

C. Setbacks

Manufactured houses shall comply with the following minimum setbacks:

1. For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.

2. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
3. 10 feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
4. 50 feet from any permanent building.
5. 100 feet from any baseball, softball or similar recreational field.
6. Seven (7) feet from the back of curb or edge of pavement for an internal road.
7. Seven (7) feet from an adjacent home site's parking space or off-site parking bay.
8. Seven (7) feet from a common sidewalk.
9. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.
10. 50 feet from the edge of any railroad right-of-way.

D. Maximum Height

The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one (1) story or 15 feet.

E. Roads

Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public road by a permanent easement, which shall be recorded by the developers. All roads shall be hard-surfaced.

F. Parking

Each manufactured housing site shall be provided with two (2) parking spaces per the Manufactured Housing Commission Rules.

G. Common Storage Areas

If recreational vehicle storage is provided within the manufactured housing community including but not limited to boats, boat trailers, and utility trailers, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced and permanently screened.

Use of the storage area shall be limited to the personal recreational vehicles of the residents and management of the manufactured housing community.

H. Sidewalks

Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park roads. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public road abutting the manufactured housing park.

I. Accessory Buildings and Facilities

1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban

Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the Township.

3. **Storage Accessory to a Manufactured Home.** One (1) storage shed may be placed upon any individual manufactured home site for the storage of personal property. Such structures shall be constructed in accordance with applicable standards of the State Construction Code enforced by Monroe Charter Township. Except as otherwise noted in this Section, no combustible materials (including tires) shall be stored under any manufactured home.

J. Open Space

Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan. This open space may include the two (2) percent minimum open space requirement established in the Manufactured Housing Commission General Rules.

K. Perimeter Screening

Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

L. Screening Along Public Rights-of-Way

A landscaped screen shall be provided along all public roads abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three (3) feet in height, planted so as to provide a continuous screen at maturity. Alternative screening methods may be utilized if they buffer the manufactured housing community as effectively as the required landscaping described above.

M. Alternative Screening

Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.

O. Trash Disposal

The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.

P. Awnings

Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section, and shall require a permit.

Q. Sewer Service

Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

R. Water Service and Storm Drainage Systems

Water supply and drainage systems shall conform to the requirements of Part 2 – 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.

S. Telephone and Electric Service

All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.

T. Fuel Oil and Gas

Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be

underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

U. Operational Requirements

1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Code Enforcement officer shall communicate recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.

2. **Violations.** Whenever, upon inspection of any manufactured housing park, the Enforcement Officer finds that conditions or practices exist which violate provisions of this Section, the Enforcement Officer shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 17(2) and 36 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended).

   The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

3. **Inspections.** The Enforcement Officer or other authorized Township agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.

4. **License.** A manufactured housing park shall not be operated until a license has been issued by the State of Michigan.

V. Sale of Mobile Homes

New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.

W. Mailbox Clusters

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

Section 8.137 Marinas

Marinas shall be subject to the requirements of all applicable Township County, State, and Federal regulations, ordinances, licenses, and other requirements.

A. Overnight Stays

Staying aboard a vessel two (2) or more days and nights in any seven consecutive day/night period, on a continuing basis, or more than eight (8) nights, consecutively or not, during any 30-day period, shall be considered residing on a vessel and is prohibited.

B. Camping

Use of marina land areas for overnight camping or sleeping is prohibited.

D. Campfires

Use of campfires in the marina land areas other than in designated areas is prohibited.

E. Maintenance

Minor maintenance and repairs are permissible in the slips. Exterior painting, varnishing, or restoration work shall not be done with the vessel in the slip; all major work shall only be done on dry-docked watercraft.

F. Swimming

Swimming shall be allowed only in designated areas away from the docked watercraft.

G. Dry-docked Areas

1. **Setbacks.** A minimum setback of 40 feet shall be maintained on all sides that abut a residential district or residential use.
2. **Fencing and Screening.** The dry docked area shall be fenced and screened from view.
3. **Storage.** Storage of watercraft rendered inoperative, either through damage or disrepair or any other cause, and watercraft without current license plates, shall be limited to a period of not more than 30 days.

H. Fuel Station

1. A marina is allowed one (1) fueling station, unless the Planning Commission after review determines the need for additional stations.
2. No open containers or siphons may be used.
3. Suitable fire extinguishers and grounding cables will be required at each fueling operation.

Section 8.138 Motor Vehicle Service Centers and Repair Garages

The following regulations shall apply to automobile, truck and other motor vehicle major and minor repair garages and service centers. See Section 2.02, Definitions for Minor and Major Repair Service.

A. Use Standards

1. **Repair and Service Use Limitations.** All equipment and service bays, hoists, pits, and other facilities shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any adjacent residential use.
2. **Noise and Odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
3. **Traffic Impacts and Pollution Prevention.** The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.
4. **Storage.** The storage, sale, rental or display of new, used, inoperable, wrecked or partially dismantled automobiles, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance:
    a) Suitable containers shall be provided and utilized for the disposal of used parts or materials, which shall be stored at least 18 inches above the ground and such containers shall be screened from public view.

B. Minimum Setbacks. Buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut a residential district or residential use.

C. Ingress and Egress
Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses. The maximum widths of all driveways at the right-of-way line shall be 30 feet, and all driveways shall be located no closer than 60 feet from the intersection of any two (2) public roads.

Section 8.139 Multiple-Family Housing and Developments

All multiple-family dwellings and developments including two-family (duplex) dwellings, apartment buildings, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, and dependent elderly housing shall comply with the following:

A. General Standards

1. **Frontage, Access and Vehicle Circulation.** Multiple family developments shall have frontage on and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or the Monroe County Road Commission.

    a) All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced with asphalt, concrete or other paving materials approved by the Township. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto adjacent lots or across road rights-of-way.

    b) Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the public road.

    c) Such uses shall be screened from abutting single-family residential districts or uses in accordance with Section 10.05, Methods of Screening.

2. **Pedestrian Circulation.** Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.

3. **Recreation Areas.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least 15 percent of the gross area of the development.

    a) The minimum size of each recreation area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1).

    b) Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

    c) Off-street parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.

4. **Other Requirements.** Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

B. Senior Housing and Independent Elderly Housing
The following additional standards shall apply to senior and independent elderly housing:

1. **Minimum Floor Area.** Dwelling units shall be a minimum 350 square feet in floor area (not including kitchen and sanitary facilities).

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

C. Nursing Homes, Assisted Living Facilities, and Dependent Elderly Housing

The following additional standards shall apply to nursing homes, assisted living facilities, and dependent elderly housing:

1. **Minimum Floor Area.** The minimum floor area per sleeping room shall be 300 square feet not including sanitation facilities.

2. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of 40 feet from all lot boundaries.

3. **State and Federal Regulations.** Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained, and operated in conformance with applicable local, State, and Federal laws.

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

Section 8.140 Outdoor Sales or Display Areas

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

A. Use Standards

1. **Broadcasting Devices Prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

2. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved plan.

3. **Hours of Operation.** Operational hours for open-air businesses, outdoor display area, and exterior lighting may be restricted by the Planning Commission to protect nearby residential districts.

4. **Storage.** The storage of any soil, fertilizer, or other loose, unpacked materials shall be contained so as to prevent any effect on adjacent uses.

B. Site Standards

1. **Setbacks.**

   a. Outdoor sales or display areas shall comply with the minimum of 10 feet setback requirement for the district in which the outdoor sales or display area is located.

   b. Outdoor sales and display areas shall not be located within any road right-of-way.

   c. Outdoor sales and display areas shall be setback a minimum of 10 feet from any parking area, driveway or access drive. No outdoor sales area shall be located within 50 feet of any residential district or use.

2. **Exterior lighting of Outdoor Sales or Display Area.** The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting within the outdoor sales or display area, provided that site lighting is otherwise in compliance with Article 12, Exterior Lighting.

3. **Signs.** Additional signs shall not be permitted beyond those permitted for the principal use.

4. **Sidewalk Standards.** The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.

5. **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters.

6. **Screening.** Outdoor sales or display area shall be screened from adjacent residential districts in accordance with Section 10.05, Methods of Screening.

7. **Outdoor Display of Vehicles.** Outdoor sales space for the sale of new or used motor vehicles, house trailers, boats, boat trailers and/or recreational vehicles may be permitted only if carried on in conjunction with a regularly authorized automobile or recreational vehicle dealership that is housed in a permanent building on the same parcel of land or on contiguous parcels of land, subject to Section 8.105. This provision shall not prohibit a private individual, on his/her own property, from offering for sale not more than one of his/her personally owned motor vehicles or boats at any one time; but he/she shall not so offer for sale more than three motor vehicles or boats per year without complying with the zoning requirements for the sale of used motor vehicles or boats, unless otherwise allowed by the Planning Commission.

Section 8.141 Outdoor Storage, General

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

1. **Screening.** The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 3.304, Fences. The storage area shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.05, Methods of Screening.

2. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in any required setback areas.

3. **Use standards.**

   a) No junk or junk vehicles shall be stored.

   b) The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.

   c) No trailer, manufactured home or truck trailer shall be stored or used for storage.

   d) No materials shall be stored above the height of the required wall or fence.

   e) In no case shall used oil or other petrochemicals be dumped or stored, except at an authorized waste oil recovery facility.

Section 8.142 Private and Public Recreational Facilities

Private and public parks and recreational facilities shall be subject to the following:

A. General Requirements

Structures associated with uses as parks, country clubs, golf courses, golf driving ranges, gun clubs and other similar recreational facilities shall be located at least 250 feet from a lot line or

any adjacent residence or residential district and all ingress and egress from said parcel shall be directly onto a major thoroughfare.

All primary activities associated with such operations and conducted out-of-doors that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation that shall not exceed 7:00 a.m. to 10:00 p.m., unless approval for an extension of that period is obtained from the Monroe Charter Township Planning Commission.

Construction, expansion, and alteration of recreational facilities shall be subject to site plan approval per Section 17.01, Site Plan Review.

B. Gun Clubs and Shooting Range Regulations

The following additional standards shall apply to all gun clubs and shooting ranges:

1. All such facilities must be situated on a parcel of land not less than 10 acres in area and having a minimum of 500 feet of road frontage.
2. Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height, and posted through both symbols and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 50 feet apart.
3. Design and operation of such facility shall also be in accordance with specifications and practices outlined in the "Current National Rifle Association Standards".

Section 8.143 Reserved

Section 8.144 Portable On-Demand Storage Units (PODS)

A. General Requirements

1. A portable on-demand storage unit (PODS) may be located on residential lot for a period not exceeding one (1) week in duration per six (6) month period from time of delivery to time of removal.
2. No more than one portable on-demand storage structure may be located on a zoning lot at one time.
3. A PODS unit shall not be considered an accessory structure for purposes of this Ordinance

B. Location

A PODS unit must be located in the drive-way of the property at the furthest accessible point from the street. All locations must be paved or gravel off-street surfaces and the PODS unit shall not block vision or sight distances, or impact vehicle safety on the street.

C. Dimensional Requirements

The PODS unit shall not exceed 8 feet 6 inches in height, 10 feet in width or 20 feet in length.

Section 8.145 Ponds for Landscaping and Recreation

Unregulated pond excavation and development may adversely impact surface and groundwater quality, adjacent lots and uses, and the existing rural, agricultural character of the Township. To protect the health, safety, and welfare of the Township residents and preserve ecological important features, the creation or expansion of ponds and similar man-made or altered bodies of water accessory to farming, residential or recreational uses shall be subject to the following:

A. General Standards

The following general standards and limitations shall apply to all ponds constructed, altered, and maintained in the Township, except stormwater management retention or detention ponds/basins:

1. Landscape ponds with 300 square feet or less of surface water shall be exempt from the provisions of this Section, provided that no excavated materials are to be removed from the site.
2. Ponds shall be established and maintained in accordance with all applicable statutes of the State of Michigan. If any of the requirements of this Section are less restrictive than applicable State statutes, the State requirements shall prevail.
3. The pond shall be located on a parcel at least five (5) acres in total area, and shall be accessory to a principal use on the same zoning lot.
4. Ponds shall not exceed 10 percent of the total lot area on which they are situated or five (5) acres, whichever is less. Ponds that exceed these criteria shall be subject to the provisions of Section 8.116, Extractive Operations.
5. The property, as situated at the time application for a pond permit is made, shall not subsequently be split, divided or partitioned in a manner that would result in nonconformance with the requirements contained herein.
6. No pond shall be located upon, across, or extended beyond existing lot boundaries. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals or septic systems.
7. Pond construction shall not commence earlier than 7:00 a.m. and shall not continue after 9:00 p.m.
8. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.

B. Design Standards

The following design standards and limitations shall apply to all pond construction or alterations in the Township:

1. Ponds shall only be of an excavation type as defined by the Natural Resources Conservation Service (NRCS) engineering standards, and all ponds shall be constructed to NRCS Standard 378, or another applicable standard accepted by the Township.
2. Designed water depth of pond shall be at least eight (8) feet to ensure proper aeration and circulation of the water. Pond banks shall have a maximum slope of one (1) foot vertical rise in four (4) feet of horizontal distance, which shall extend below the water's surface to a depth of at least eight (8) feet.
3. Shoreline berms shall not exceed a maximum height of six (6) feet and a maximum slope of one (1) foot vertical incline to each four (4) feet of horizontal distance. Escape ramps with shallower slopes shall be provided to allow adequate means for climbing out of the pond.
4. The top of the bank of the pond shall be set back a minimum of 50 feet from all lot boundaries, and a minimum of 25 feet from all structures and easements on the site. The top of the bank of the pond shall be set back a minimum of 100 feet from any on-site wastewater system, as measured from the perimeter of any drainfield or nearest line of the system.
5. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.

6. Pond excavation and the relocation of excavated materials shall not affect the natural drainage pattern of the area, and shall not cause or exacerbate the drainage of surface water onto adjacent lots or towards any existing structures. Ponds shall be designed and maintained to prevent overflow, spillage or seepage from encroaching upon adjacent lots.

C. Application and Review Procedures

The applicant shall obtain all necessary permits, and proof of all necessary outside agency permits or approvals shall be submitted to the Township prior to construction or alteration of a pond. Such permits and approvals shall include, but shall not be limited to the following:

1. Prior to submitting an application for approval to construct a new pond, the property and/or owner shall supply to the Township documentation from a certified engineer or land surveyor a determination on the water table and appropriate depth of the pond.
2. Review of the application and site plan shall be subject to the regulations of Section 17.01, Site Plan Review.
3. Approval of a construction permit from the Township Building Official.
4. Outside agency permits and approvals may include, but shall not be limited to:
   a) Michigan Department of Environmental Quality regarding impacts upon natural features such as streams, rivers, and wetlands.
   b) Monroe County Drain Commission regarding proximity to a ditch, stream, river, or floodplain.
   c) Monroe County Health Department regarding proximity to site wastewater systems.
   d) Monroe County Road Commission regarding designated travel routes for removal of excavated materials.

D. Soil Removal Provisions

Construction of ponds that result in the removal of excavated materials from the site shall be subject to the following additional standards:

1. A written statement listing the cubic yards of the soil or other similar materials to be removed shall be submitted to the Township at the time of application for approval.
2. Excavated soil intended for removal from the property shall be removed within 180 days after excavation is complete.
3. Each permittee shall be responsible for the clean up of any spillage of materials, such as dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel routes as approved by the Monroe County Road Commission. Any such material shall be removed within 24 hours of spillage or receipt of notice from the Township Enforcement Officer and/or Building Official.
4. The loading and removal of excavated materials shall be limited to between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, and 7:00 a.m., and 12:00 noon on Saturdays. Loading and removal of excavated materials shall be prohibited on Sundays or legal holidays.

E. Financial Guarantees and Insurance

The applicant shall provide the Township with a performance guarantee in a form and amount acceptable to the Board of Trustees to guarantee the reclamation and rehabilitation of the site according to the approved site plan. Proof of liability insurance with Monroe Charter Township listed as an additional insured party shall also be provided to the Township.

Section 8.146 Private Riding Arenas and Boarding Stables

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

1. The lot area shall not be less than five (5) contiguous acres under single ownership or control.
2. Any building, pen, run, corral or other structure or permanent facilities or areas where horses are kept or confined shall be set back a minimum of 200 feet from any dwelling on an adjacent lot and 100 feet from all adjacent lot boundaries.
3. Such facilities or areas shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of the dwelling on the subject lot.
4. A fenced area where the horse or horses are allowed to feed, exercise, or be ridden or under harness may extend to the front, rear or side lot lines. All horses shall be kept confined within a fenced area when not being ridden, under harness, or in hand or when not in their building, pen, run, corral or other structure or permanent area.
5. There shall be no commercial activity, other than an isolated sale not unusual for a residential use.
6. Private Riding Arenas and Boarding Stables shall be subject to Special Land Use approval per Section 17.02, Uses after Special Approval.

Section 8.147 Public or Commercial Riding Stables

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar riding animals available or intended for use by the public or for compensation shall be subject to the following:

1. The rearing, training, and housing of horses, mules, ponies, and other similar equine animals for a fee, shall be required to provide a land area not less than one (1) acre per animal on the premises.
2. Any paddock, building, pen, run, or corral shall be set back a minimum of 200 feet from any dwelling or principal building on an adjacent lot, and 100 feet from any adjacent lot boundary or road right-of-way. Fenced areas where the animals are allowed to feed, exercise or be ridden, in hand or under harness may extend to the lot boundaries and road right-of-way.
3. Sufficient off-street parking shall be provided, as determined by the Planning Commission.
4. Public or Commercial riding stables and academies shall be subject to Special Land Use approval per Section 17.02, Uses after Special Approval.

Section 8.148 Racetracks

Racetracks and similar entertainment facilities shall be subject to the following:

A. Frontage and Access

Racetracks and similar entertainment facilities shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan or Monroe County Road Commission.

B. Accessory Uses

Retail, restaurant, office, and service uses may be permitted within the racetrack facility for the exclusive use of patrons, employees, and guests.

C. Screening
The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.05, Methods of Screening. The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 3.304, Fences.

D. Setbacks
All structures and racetrack facilities shall be set back a minimum of 300 feet from all lot boundaries and road rights-of-way, and a minimum of 500 feet from the boundary of a residential district or abutting residential use.

E. Parking and Loading
All parking, loading and maneuvering space shall be contained within the site.

F. Impact Assessment
The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed. At a minimum, the assessment shall address the following:

a) Anticipated levels and costs of necessary public services associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure such services.

b) Anticipated noise levels shall be provided by the developer at the lot boundaries, road rights-of-way, and at set intervals up to 1,000 feet away; along with details of any proposed noise mitigation measures.

c) Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.

d) Any other anticipated impacts of the proposed use.

G. Insurance Certificate
The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Monroe Charter Township as the certificate holder and naming Monroe Charter Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the applicant to supply a $1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

Section 8.149 Recreational Vehicle Parks and Campgrounds

Recreational vehicle parks and campgrounds shall be subject to review and approval by the Planning Commission and the following:

A. Screening and Security
The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses in accordance with Section 10.05, Methods of Screening.

B. Setbacks
Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 10.05, Methods of Screening.

C. Additional Standards

Campgrounds shall comply with all applicable County and State regulations. Each campsite shall either be provided with individual water and sewer hookups approved by the Monroe County Health Department, and shall have convenient access to approved bathrooms, toilets, and shower facilities.

D. Access

Recreational vehicle parks shall have direct frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan or Monroe County Road Commission.

1. Each individual camp-site for a recreational vehicle or tent shall be a minimum of 1,500 square feet.
2. A common use area shall be provided based on the number of camp-sites at a ratio of 250 square feet per site. The common area may be improved to include passive and/or active recreational equipment for the use of all occupants of the campground.

E. Parking

The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any residential district and meet the standards of Article 9, Parking, Loading and Access Management.

F. Use Standards

1. **Temporary Residency**. Campgrounds and recreational vehicle parks shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.
2. **Impact on Surrounding Uses**. The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
3. **Accessory Retail Facilities**. Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

Section 8.150 Restaurants with Outdoor Seating

Outdoor seating and dining areas shall be allowed and reviewed as a Special Use per Section 17.02.

A. Accessory to Primary Use

The outdoor seating shall be accessory to a fully operational restaurant located on the same site. The outdoor seating capacity shall be no greater than 50 percent of the indoor seating capacity.

B. Location

Outdoor seating areas shall not be located in the required front, rear, or side setback areas.

C. Storage

The site plan shall specify the plans for storage of tables, chairs, and equipment during the months when the outdoor seating is not in use.

D. Hours of Operation

The hours of operation shall be specified on the site plan and are subject to approval.

E. Outdoor Food Storage and Preparation

Outdoor food storage is prohibited. Outdoor food preparation may be permitted, provided that the location and type of cooking equipment is shown on the site plan, and subject to any

conditions that may be imposed by the Township to minimize the off-site impact of such operations. .

F. Limits on Nuisance
No music, speakers, intercoms, or similar devices shall be permitted.

G. Agency Approvals
Outdoor seating and food preparation shall be subject to applicable Monroe County Health Department requirements.

Section 8.151 Reserved

Section 8.152 Self-Storage Warehouses

The following regulations shall apply to self-storage warehouses:

A. Permitted Use
Self-storage warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:

1. Such storage shall be incidental to the main use of enclosed storage.
2. Such storage shall be located to the rear of the lot and subject to any additional screening as determined by the Planning Commission at site plan review.
3. All such recreational vehicle and equipment must be operable and licensed to operate on the highways of the State of Michigan.

B. Screening
Sites shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 10.05, Methods of Screening.

C. Caretaker's Residence
A caretaker's residence may be provided, see Section 8.111.

D. On-Site Circulation
All internal circulation routes shall be at least 25 feet wide.

E. Storage Units

1. The maximum length of any self-storage building shall be 250 feet.
2. No single self-storage building shall exceed 15 feet in height.
3. All buildings shall have a pitched roof with gables. However, other roof styles may be approved by the Planning Commission subject to incorporation of sufficient architectural design and details.

G. Retail Sales
Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, labels, tape, protective covers, etc. shall be permitted as an accessory use on site, subject to approval of the Planning Commission.

Section 8.153 Single-Family Dwellings, Detached

Detached single-family dwellings, except manufactured housing units located in approved and licensed manufactured housing parks, shall comply with the following standards:

A. General Standards for All Single Family Detached Dwellings

1. All dwellings shall have a minimum width across all front, side, or rear elevations of 24 feet, and shall comply with the minimum floor area requirements of the zoning district in which they are located.

2. Dwellings units shall be permanently attached to a perimeter foundation, which shall have the same perimeter dimensions as the dwelling and which complies with the applicable provisions of the State Construction Code. A manufactured home may be installed and anchored pursuant to the manufacturer's setup instructions and the applicable Michigan Manufactured Housing Commission General Rules, provided that its wheels and towing mechanism have been removed and the undercarriage has been secured and screened from view with permanent skirting or similar measures.

3. Permanent steps, porches or barrier free access ramps shall be provided where there is a difference in elevation between a doorway and grade level.

4. All dwellings shall be connected to a privately owned and operated well and septic system approved by the Monroe County Health Department, or to a publicly owned and operated water supply and sanitary sewer system.

5. New construction and additions to existing dwellings shall conform to all requirements of this Ordinance.

6. A minimum roof pitch of 4 feet rise to 12 feet of run for 60 percent of the roof surface is required.

Section 8.154 Slaughter Houses, Rendering Plants, Stockyards or Similar Facilities

Such uses shall be subject to the following:

1. **Separation Requirements.** The above uses shall be located at least 500 feet from any residential district or residential use.

2. **Sanitation Requirements.** The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughterhouse, and only dry rendering processes shall be used. All sanitary facilities shall be approved by the Monroe County Health Department or other agency with jurisdiction, and all waste and manure shall be removed daily.

3. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

4. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, aesthetics; environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

Section 8.155 Stripping or Removal Operations

The regulations set forth in this Section are designed to outline the parameters under which stripping or removal operations may be carried out. These regulations are intended to protect the health, safety and welfare of the Township residents; preserve ecologically important features; and prohibit development which, unregulated, may have an adverse impact on the existing character of the Township. Stripping or removal operations shall be subject to the following:

A. General Requirements

The following general requirements shall apply to all stripping or removal operations:

1. The stripping or removal process and loading process shall be permitted only between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday, and between 7:00 A.M. and 12:00 noon on Saturdays. Stripping operations shall not be permitted on Sundays

or legal holidays, except under exceptional circumstances as determined by the Planning Commission.

2. Each permittee shall be held responsible for the clean up of any spillage of materials, such as: dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel route(s). Any such material shall be removed within 24 hours of receipt of notice from township.

3. Travel routes for trucks must be submitted to and are subject to the standards of the Monroe County Road Commission prior to removal of product.

4. Any odors, smoke, fumes or dust generated by the stripping or removal operations by any digging, excavating, loading or processing activities shall be in conformance with the provisions of the Natural Resources and Environmental Protection Act, Part 55, Air Pollution Control, administered by the Michigan Department of Environmental Quality.

5. Any noise generated by the stripping or removal operation by any digging, excavating, loading or processing activities shall not exceed a reading of 65 decibels at the property line.

6. The stripping or removal operation shall be conducted in accordance with the Natural Resources and Environmental Protection Act, Part 31, Water Resources Protection, administered by the Michigan Department of Environmental Quality.

7. The stripping or removal operation shall be conducted in accordance with the provisions of the Natural Resources and Environmental Protection Act, Part 91, Soil Erosion and Sedimentation Control, administered by the Monroe County Drain Commission.

B. Design Requirements

The following design requirements shall apply to all stripping or removal operations:

1. No soil, sand, gravel, clay or similar materials' shall be removed below the grade of the nearest existing or proposed street or road established or approved by the Monroe County Road Commission; except as required for the installation of utilities and pavements; provided further that where approved County drains exist and/or are adjacent to the property under permit, the grade and slope of the removal shall meet all requirements of the Monroe County Drain Commission.

2. Whenever topsoil exists, suitable for growing turf or other ground cover, at the time the operation begins, a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site may be recovered with a minimum of six (6) inches of topsoil, and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operations. Such replacement shall be in a manner suitable for growing turf or for other land uses.

3. No digging, stockpiling or stripping shall take place closer than 100 feet from any lot line, and no equipment storage or repair of equipment shall take place closer than 250 feet from an existing residential zoning district or use.

4. The slope of the banks within the second 100 feet measuring from the near edge of a public right-of-way, or within the second one hundred feet measuring from the property line of an adjoining land owner, or within the second 250 feet to the nearest residence shall not exceed one (1) foot vertical drop to each four (4) feet horizontal.

5 There shall be not more than one (1) entranceway from a public road for each 660 feet of front lot line. Said entrance shall be located not less than 500 feet from an intersection of two (2) or more public roads.

6. The Township Board may require such other requirements as may be deemed necessary in the interest of public health, safety, and general welfare of the residents of Monroe Charter Township.

C. Application Procedures and Review Process

All stripping or removal activities shall be carried out under the conditions of a Special Use Approval. At the time of application for a Special Use Approval for a stripping or removal operation, the applicant shall submit a site plan to the Township Planning Commission.

1. The applicant shall file a stripping or removal site plan in accordance with the requirements of this Subsection. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by any county or state agency of competent jurisdiction. On the basis of this plan, the applicant shall file a statement of the area to be stripped or removed.
2. The Township Planning Commission shall review the proposed stripping or removal site plan and make its recommendation to the Township Board.
3. The Township Board will review the recommendations and accept or reject the site plan.
4. Based on the review of the site plan and any other application materials, the Planning Commission may recommend and the Township Board may require additional information from and impose reasonable conditions upon the applicant. Conditions may include those necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve natural resources, to insure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner.
5. Before commencement of stripping operations, a permit shall be issued by the Building Inspector upon payment of any annual fee for inspections in accordance with the Schedule of Fees as adopted by the Monroe Charter Township Board. This fee shall defray any administrative expense rising out of the review of the stripping operation.

D. Site Plan Requirements

The following shall be included with the site plan for a stripping or removal operation, in addition to the information requirements of Section 17.01, Site Plan Review:

1. Recent aerial photos (within the last five (5) years) showing the stripping area and adjacent property, location and outline of wooded areas, streams, wetlands, and other natural features;
2. Total area to be affected by the stripping operation, including a final grading plan;
3. Location and description of soil types;
4. The type and an estimate of the amount of material to be stripped from the site and the expected termination date of the stripping operations;
5. A map showing truck routes to and from the site in conformance with Monroe County Road Commission guidelines;
6. Name, address, and telephone number of person with official authority to represent the stripping operation.

E. Financial Guarantees

The applicant shall provide the Township with a financial security, in the form and amount acceptable to the Township Board, to guarantee the reclamation and rehabilitation of the site according to the approved plan.

The applicant shall provide the appropriate permitting information regarding financial guarantees, if required, from the Monroe County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles, in accordance with the provisions of the Monroe County Road Commission Haul Route Policy.

F. Inspection and Conformance

The Township Building Official, Zoning Administrator, code enforcement officer or designated representative of the Township shall make at least four (4) inspections of the extractive operation per calendar year, to ensure conformance with the requirements of this Ordinance. The applicant shall pay inspection fee for such inspections pursuant to the fee schedule established by the Township Board.

1. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the permittee.
2. Failure on the part of the permittee to correct a reported violation within 30 days after the Township makes such request shall be reason for revocation or suspension of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of good and sufficient cause by the permittee.

Section 8.156 Tattoo and Piercing Parlor

1. Monroe County Health Department approval is required prior to the issuance of any permit.

Section 8.157 Therapeutic Massage

Massage therapy clinics and uses shall be subject to the following conditions:

1. Massage therapy services may be permitted as a use accessory to hospitals, nursing homes, and medical clinics or offices.
2. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township.
3. All activities that meet the definition of an adult use or sexually oriented business shall be prohibited.

Section 8.158 Veterinary Clinics and Animal Hospitals

Veterinary clinics and hospitals shall comply with the following:

A. Enclosure

Other than outdoor runs, all other activities shall be conducted within a completely enclosed building constructed to ensure that noise and odors shall not be perceptible beyond the lot boundaries.

B. Setbacks

All buildings and outdoor pens or enclosures shall be set back at least 100 feet from all road rights-of-way and residential districts.

C. Treatment Facilities

All boarding shall be limited to animals brought in for treatment or surgery, unless the site has been approved as a kennel, per Section 8.134, Kennels and Animal Shelters.

D. Use Standards

The clinic or hospital shall be operated by a licensed or registered veterinarian, and shall be subject to the following:

1. Operation shall include proper control of animal waste, odor, and noise.
2. A six (6) foot high solid fence, per Section 3.304, Fences, shall enclose outdoor exercise areas.
3. Animals shall not be kept or quartered outside of a building between 8 pm and 8 am.

Section 8.159 Warehouses, Other Storage Facilities, and Truck Terminals

A. Access

Vehicle access to local streets shall be prohibited.

B. Setbacks

Truck terminals and any loading dock area shall be set back a minimum of 500 feet from any residential district or use.

C. Traffic

A traffic impact study may be required by the Planning Commission, per Section 9.12, Transportation Impact Studies.

D. Parking and Loading

All parking, loading, and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

E. Screening

Truck and trailer parking areas shall be screened from all street rights-of-way and abutting uses, and screening shall be required on side or rear lot lines abutting a residential district or use, in accordance with Section 10.05 Methods of Screening.

Section 8.160 Wind Energy Conversion Systems (WECS)

These requirements are designed to protect areas for potential adverse impact of WECS and Anemometer Towers and to consider the health and safety of the public in their placement and usage. Industry owned, commercial, and non-commercial WECS are highly visible structures and are generally connect to the electrical grid. Special use review and approval will be required.

A. Industry Owned or Energy Company Operations WECS (Large Scale Wind Energy Conversion Systems) - General Requirements

1. **Location**. WECS shall be located only in the AG, Agricultural district.

2. **Sufficient Wind Resources**. An application for installation shall require documentation that the wind resources at the site are sufficient for the operation of the proposed wind turbine. A one year study of sufficient wind resources shall be included with the application.

3. **Site Analysis.** Prior to submittal for approval an avian and wildlife impact study and an environmental impact analysis will be required.

   a. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

   b. A copy of an Environmental Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

4. **Minimum Site Area**. WECS must meet setback requirements and all other standards in this section.

5. **Setbacks**. Each WECS shall be setback from any adjoining property line, structure, or overhead transmission lines and power poles by a minimum of 1½ time the height of the tower. In addition, a WECS shall, in all cases be setback from a public road right-of-way a minimum distance equal to six (6) times the height of the WECS.

6. **Maximum Height**. The maximum height from the base to the tip of the blade at its highest point shall not exceed 300 feet. The Planning Commission may increase the height if the following conditions are met:

   k) The increase height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.

   l) The increased height will not result in increased intensity of lighting due to FAA requirements.

7. **Blade Clearance**. The lowest point of the arc created by rotating wind vanes or blades shall be no less than 20 feet measured from the ground within one blade radius from the base of the tower.

8. **Tower Separation**. Wind turbine separation shall be based on industry standards, manufacturer's recommendation and the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between turbines of not less than three times the rotor diameter.

9. **Noise Levels**. The audible noise level due to WECS operations shall not be greater than 55 (dbA) at the boundary of the proposed project site.

10. **Vibrations**. Any proposed WECS shall not produce vibrations humanly perceptible beyond the boundaries of the site on which it is located.

11. **Transmission Lines**. All electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.

12. **Shadow Flicker**. Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker.

13. **Electromagnetic Interference**. Any WECS shall be constructed and operated so that it does not interfere with television, telephone (land line and cellular), microwave, navigational, or radio reception to neighboring areas. The applicant and/or operator shall be responsible for all mitigation measures necessary to correct the interference problem including relocation or removal of the facility.

14. **State and Federal Standards**. Any proposed WECS shall meet or exceed all standards or regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Service, and any other agency of the state or federal government with the authority to regulate WECS or other tall structures at the time of special use approval is granted.

15. **Aesthetics and Lighting**

   a. Each WECS shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness and to prevent any visible oxidation or corrosion. The Planning Commission shall approve the color and may determine an alternate color if the facility is suspected of being located within a bird migratory route or if an alternate color would otherwise benefit the Township.

b. The only allowable light will be in accordance with FAA standards and if possible shall be a red top light that does not pulsate or blink.

c. No advertising, company insignia, or graphics shall be on any part of the tower, hub, or blades.

16. **Type of Tower**. Each WECS shall be a monopole or monopole style of construction and shall not utilize guy lines.

17. **Safety and Security**.
    a. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within design limits of the rotor. All generator(s) shall be equipped with redundant braking systems.

    b. All generator(s) shall be grounded

    c. WECS shall be designed and constructed in such a manner that access is limited to authorize personnel. All access doors and electrical equipment shall be lockable and shall remain locked at all times when operator personnel are not present.

    d. A sign shall be posted that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.

18. **Site Reclamation**.
    a. **Inoperable.** A wind turbine shall be declared inoperable if it has not generated power for six (6) months and shall be promptly dismantled and removed from the property.

    b. **Unsafe**. Any wind turbine that is found to present an imminent physical threat to life or property shall be immediately shut down and repaired or otherwise made safe and certified by a qualified engineer prior to resumption of operation.

    c. **Removal and Site Restoration**. The owner/operator shall remove all equipment, above and below ground, and restore the site to its original condition when the wind turbine(s) is considered inoperable or unsafe.

19. **Certificate of Insurance**
    Owner/operator shall maintain liability and other insurances for the duration of the use including decommissioning and reclamation of the property. The insurance carrier shall be instructed to notify all applicable governmental authorities of any delinquency in payment of premiums. Failure to provide such insurance shall be considered abandonment and full and sufficient grounds for termination of the special use approval and disposal of the equipment as stated herein.

B. Commercial Operations of WECS

The purpose of this section is to establish standards and provisions by which the installation and operation of a WECS shall be governed in the Township. The smaller commercial application is for up to 3 WECS for public facilities including, but not limited to, hospitals, schools, churches, and municipal facilities or Agricultural zoning districts.

1. **Location**. WECS shall be located in the AG district or meet the setback requirements in this section for use by public facilities.

2. **Setbacks**. Each WECS shall be setback from any adjoining property line, structure, or overhead transmission lines and power poles by a minimum of 1½ time the height of the tower.

3. **Blade Clearance**. The lowest point of the arc created by rotating wind vanes or blades shall be no less than 20 feet measured from the ground within one blade radius from the base of the tower.

4. **Maximum Height**. The maximum height from the base to the tip of the blade at its highest point shall not exceed 125 feet. The Planning Commission may increase the height if the following conditions are met:

   a. The increase height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.

   b. The increased height will not result in increased intensity of lighting due to FAA requirements.

   c. All setbacks can be met for the increased height.

5. **Additional Standards**. Commercial operation WECS shall met the standards of Section 8.160 A, subsections 8 through 19.

C. Small Scale WECS

Small scale WECS are designed to primarily serve the needs of a home, farm, or small business.

1. **Location**. Small scale WECS are allowed as an accessory use in any zoning district.

2. **Minimum Lot Size**. A minimum of one acre is required for a small scale WECS.

3. **Maximum Height**. The maximum height from the base to the tip of the blade at its highest point shall not exceed 75 feet.

4. **Setbacks**. WECS shall be setback from any adjoining property line, structure, or overhead transmission lines and power poles by a minimum of 1½ time the height of the tower.

5. **Blade Clearance**. The lowest point of the arc created by rotating wind vanes or blades shall be no less than 20 feet measured from the ground within one blade radius from the base of the tower.

6. **Noise Levels**. The audible noise level due to WECS operations shall not be greater than 55 (dbA) at the boundary of the proposed project site.

7. **Vibrations**. Any proposed WECS shall not produce vibrations humanly perceptible beyond the boundaries of the site on which it is located.

8. **Transmission Lines**. All electrical transmission lines connecting the WECS to the home, farm structure or business shall be located underground.

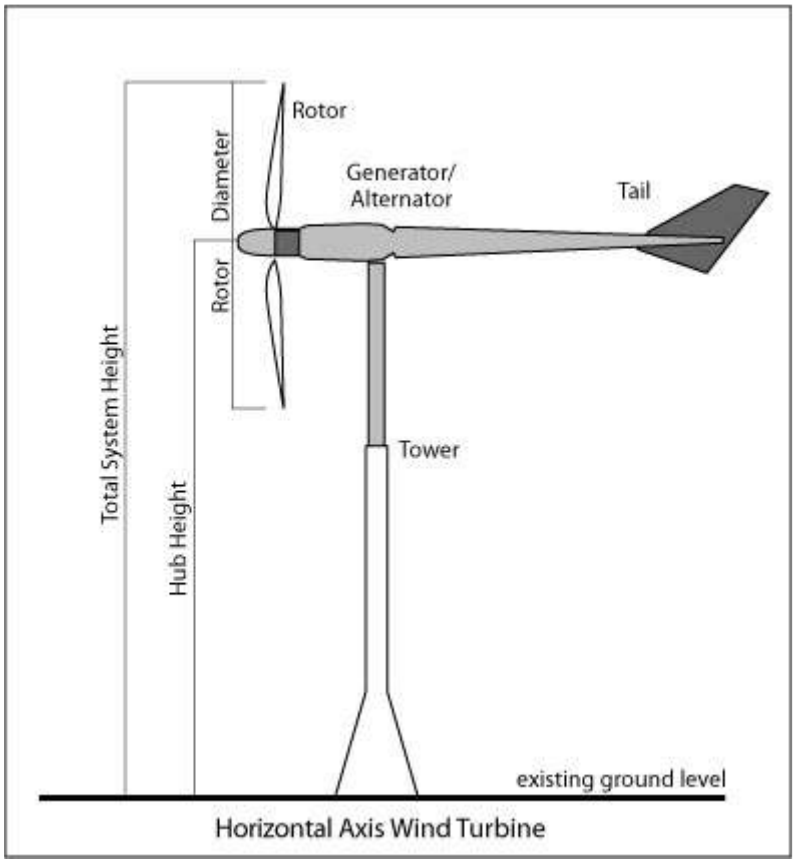
9. **Type of Tower**. A lattice tower or monopole is acceptable. A monopole or monopole style of construction shall not utilize guy lines.

10. **Safety and Security**.

    a. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within design limits of the rotor. All generator(s) shall be equipped with redundant braking systems.

    b. All generator(s) shall be grounded

11. **Placement**. All consideration shall be given to the placement of the WECS to avoid shadow flicker especially at sunrise and sunset.


Rotor
Diameter
Generator/
Alternator
Tail
Rotor
Total System Height
Hub Height
Tower
existing ground level
Horizontal Axis Wind Turbine

Article 9
PARKING, LOADING, AND ACCESS MANAGEMENT

Section 9.01 Purpose

The purpose of this Article is to provide reasonable regulations and sufficient parking to serve the needs of land uses permitted by this ordinance; to limit the number of off-street parking spaces and amount of impervious surfaces to the minimum reasonably necessary for a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites.

Section 9.02 Scope

The regulations of this Article shall be met in all districts whenever any uses are established; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Article, subject to approval per Section 17.01, Site Plan Review.

Section 9.03 General Standards

The following general standards shall apply to all off-street parking and loading facilities:

A. Location of Spaces

Off-street parking spaces shall be located within 300 feet of the primary building entrance for the use to which such spaces are accessory. Off-street parking facilities may be located within required yard setbacks, subject to provision of adequate screening per Section 10.05, Methods of Screening.

B. Use

Any area once designated as required off-street parking, stacking, and loading spaces shall not be changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission. Use of off-street parking, stacking, and loading facilities shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.
2. Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment, products or materials, except where permitted or dumping of refuse.
3. Parking of an operable motor vehicle shall not exceed a continuous period of more than 48 hours. Repairs, servicing or display of vehicles for sale shall be prohibited.
4. No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. As part of site plan review, ownership shall be shown of all lots intended for use as parking by the applicant.

C. Shared Facilities

The development and use of parking or loading facility shared between two (2) or more uses shall be permitted where peak activity for each use will occur at different periods of the day or week. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners running with the land. Where shared parking facilities are provided, the number of parking spaces shall not be less than 80 percent of the sum of the minimum requirements for the various individual uses specified in Section 9.05, Schedule

Of Required Parking by Use, nor more than 33 percent of the sum of the minimum requirements for the various individual uses, as follows:

Minimum Shared Parking Requirement = (minimum for use A + minimum for use B) x 80%
Maximum Shared Parking Requirement = (minimum for use A + minimum for use B) x 133%

Section 9.04 Residential Parking Standards

Off-street parking spaces for single-family and two-family (duplex) dwellings shall consist of an accessory driveway, garage, parking strip or bay, or combination thereof, subject to the following:

1. Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the same zoning lot as the principal dwelling.

2. Parking of motor vehicles shall be limited to passenger vehicles and not more than one (1) commercial vehicle not to exceed one (1) ton capacity per dwelling unit. The commercial vehicle shall not be parked or stored in front of the building or a minimum of 100 feet from the road right-of-way whichever is less, of any lot in a residential district.

Section 9.05 Schedule of Required Parking by Use

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

A. Parking Calculations

Where a use is not specifically mentioned in this Article, the Planning Commission shall apply the standards for a similar listed use. Where calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (½) shall be disregarded, and any fraction over one-half (½) shall be rounded-up to the next highest whole number.

B. Minimum and Maximum Parking Requirements

1. **Minimum required spaces.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 9.05C, Schedule Of Required Parking by Use. The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.

2. **Maximum permitted parking spaces.** The maximum amount of off-street parking permitted for any use shall not exceed 133 percent of the minimum parking requirements of this Section. This requirement shall not apply to single-family or two-family dwellings, or to spaces reserved for off-site uses as part of an off-site parking facility agreement per Section 9.09A, Off-Site Parking Facilities.

C. Schedule of Required Parking by Use

Use	**Number of Minimum Parking Spaces per Unit of Measure**
RESIDENTIAL USES	
Residential, single family, attached single family, and two-family	2 per dwelling unit.
Residential, multiple-family, townhouses and villas	2 per dwelling unit.
Senior Housing	1 per dwelling unit, PLUS 1 per on-duty employee based upon maximum employment shift.
Manufactured Housing Park	2 per dwelling unit.

Use	**Number of Minimum Parking Spaces per Unit of Measure**
Family and Group Day Care Homes	1 per on-duty employee based upon maximum employment shift, PLUS any required spaces for the dwelling.
Child Care Centers or Nursery Schools	1 per 6 children at maximum authorized or licensed capacity, PLUS sufficient area for pick-up/drop-off of children in a safe manner that will not result in traffic disruption.
Convalescent and/or Nursing homes, Foster Care Group Homes, and Assisted Living Facilities	1 per 2 dwelling units or 5 beds, PLUS 1 space per on-duty employee based on maximum employment shift.
INSTITUTIONAL USES	
Fraternity or sorority	1 per 5 active resident/members, or 1 per 2 beds, whichever is greater.
Hospital	1 per 2 beds, PLUS 1 per on-duty employee based on maximum employment shift.
Libraries, Museums, Non-Profit Art Galleries, Cultural Center and Similar Facilities	1 per 500 sq ft of usable floor area, PLUS 1 per on-duty employee based on maximum employment shift.
Churches or temples Places of Worship	1 per three (3) seats or 6 feet of pews or benches in the main unit of worship, PLUS any required spaces for permitted accessory or associated uses (school, day care center, etc.).
Public Utility Uses	1 per on-duty employee based on maximum employment shift.
Schools, Elementary and Junior High	1 per on-duty employee based on maximum employment shift, PLUS any required spaces for an auditorium or other public meeting space, and sufficient area for pick-up/drop-off of children in a safe manner that will not result in traffic disruption.
Schools, Senior High	1 per employee based on maximum employment shift, PLUS 1 space per 10 students and any required spaces for an auditorium or other public meeting space.
School, Vocational, Technical, and Post-Secondary Educational Facilities	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
RECREATIONAL USES	
Arcade	1 per amusement station or video game, PLUS 1 space per employee based on maximum employment shift.
Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar uses	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS 1 space per employee based on maximum employment shift.
Bowling Alleys	5 per bowling lane, PLUS any required spaces for permitted accessory or associated uses (restaurants, bars, etc.).
Golf courses, Private or Public	6 per golf hole, PLUS 1 space per employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (restaurants, bars, etc.).
Golf courses, Miniature and Par 3	3 per golf hole, PLUS 1 space per employee based on maximum employment shift.
Golf, Driving Range	1 per tee, PLUS 1 per employee based on maximum employment shift.
Ice skating or roller rink	1 per 200 sq ft of skating area or 1 space per 3 seats or 6 feet of benches in any spectator area, whichever is greater, PLUS any required spaces for permitted accessory or associated uses

Use	Number of Minimum Parking Spaces per Unit of Measure
	(restaurants, retail stores, etc.).
Private Clubs or Lodge Halls	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
Softball, Baseball Fields	20 per playing field.
Stadium, Sports Arena or similar place of outdoor assembly	1 per 3 seats or 6 feet of benches, whichever is greater, PLUS 1 space per employee based on maximum employment shift.
Swimming Pools or Swimming Clubs	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS 1 per employee based on maximum employment shift.
Tennis Clubs and Court-Type Recreation Uses	1 per person permitted based on the maximum capacity of the courts, PLUS 1 per employee based on maximum employment shift.
Theaters and Auditoriums with Fixed Seating	1 per 3 seats, PLUS 1 per employee based on maximum employment shift.
Theaters and Auditoriums without Fixed Seating	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS 1 per employee based on maximum employment shift.
OFFICE, COMMERCIAL USES	
Automobile Service Station or Automobile Filling Stations	1 per on-duty employee based upon maximum employment shift, PLUS 1 per fueling location, 1 stacking space per 2 fueling locations, 2 spaces per service or repair bay, and any required spaces for permitted accessory or associated uses (restaurants, convenience stores, etc.).
Automobile Repair or Service Facilities, Bump Shop	1 per employee based on maximum employment shift, PLUS 2 spaces per service or repair bay.
Automobile Wash (automatic)	1 per employee based on maximum employment shift, PLUS 6 stacking spaces per automatic wash operation or line. A 30 -foot long drying space shall also be provided at the exit of each washing line to prevent undue amounts of water from collecting on the public street and creating a traffic hazard.
Automobile Wash (self-service or coin-operated)	1 per employee based on maximum employment shift, PLUS 4 stacking spaces and 1 drying space per washing stall.
Banks and Financial Institutions	1 per 200 sq ft of usable floor area, PLUS 5 stacking spaces per drive-through service window or station.
Beauty Parlor or Barber Shop	3 per the first 2 beauty or barber chairs, and 1.5 spaces per additional chair.
Business or Professional Offices, Not Otherwise Specified.	1 per 300 sq ft of usable floor area. In no case shall provided parking be less than 3 spaces.
Contractor or Construction Use office	1 per employee based on maximum employment shift.
Ice Cream Parlors	see Restaurant (Carry Out or Standard)
Laundromats and coin operated dry cleaners	1 per 5 washing or drying machines, PLUS 1 space per on-site employee based on maximum employment shift.
Marina	1 per boat slip
Mini Warehouses, Self-Storage Establishments	1 per 10 storage units distributed throughout the storage area, PLUS 1 per 250 sq ft of usable floor area in the office building, and required spaces for any accessory manager or caretaker's dwelling.
Mortuaries, Funeral Homes	1 per 50 sq ft of GFA in the viewing rooms, parlors, chapels or

Use	Number of Minimum Parking Spaces per Unit of Measure
	assembly areas.
Motel, Hotel, Bed and Breakfast, or other commercial lodging establishments	1 per occupancy unit, PLUS 1 space per on-site employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (restaurants, bars, assembly rooms, etc.).
Motor Vehicle Sales or Rental – Indoor Showroom	1 per 400 sq ft of sales room floor area, PLUS 1 space per employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (automobile service or repairs, outdoor sales or display areas, etc.).
Motor Vehicle Sales or Rental - Outdoor Sales or Display Area	1 per 1000 sq ft of outdoor sales or display area.
Open Air Business	1 per 200 sq ft of land area being used for display, PLUS any required spaces for permitted accessory or associated uses.
Post office	1 per 50 sq ft of lobby area, PLUS 1 per employee based on maximum employment shift.
Professional Offices and Clinics of Doctors, Chiropractors, Dentists and Similar Professions	1 per 300 sq ft of usable floor area, PLUS 1 per employee based on maximum employment shift.
Service Establishments, not Otherwise Specified, including Household Equipment Repair Shops	1 per 300 sq ft of usable floor area PLUS 1 per employee based on maximum employment shift.
Radio or Television Station or Studio	1 per employee based on maximum employment shift, PLUS any required spaces for an auditorium or public seating space within a studio.
Restaurant, Bar/Lounge	1 per 50 sq ft of usable floor area. Parking for that portion used principally for dining shall be based on the requirements for "Restaurants, Standard".
Restaurant, Drive-in restaurant	1 per 30 sq. ft. of usable floor area, PLUS 1 space per employee based on maximum employment shift.
Restaurant, Accessory drive-through facilities or lanes	10 stacking spaces per window, PLUS a bypass lane and any required spaces for the restaurant to which the drive-through is accessory.
Restaurant, Carry-out	1 per 100 sq ft of usable floor area, PLUS 1 space per employee based on maximum employment shift.
Restaurant, Standard	1 per 3 seats, based upon the maximum seating capacity, PLUS 1 space per employee based on maximum employment shift.
Retail Stores except as otherwise specified herein	1 per 250 sq ft of usable floor area.
Shopping Center or Mall	1 per 250 sq ft of usable floor area.
Supermarkets	1 per 200 sq ft of usable floor area.
Veterinary Clinic	1 per 150 sq ft of usable floor area.
INDUSTRIAL, RESEARCH USES	
Industrial, Research, and Laboratory Uses not otherwise listed in this table – established for a known user.	5 plus 1 per on-duty employee based upon maximum employment shift, plus 1 per 300 sq ft of usable floor area for any offices or other accessory uses.

Use	Number of Minimum Parking Spaces per Unit of Measure
Industrial, Research, and Laboratory Uses not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known	5 plus 1 per 2,000 sq ft of usable floor area for the industrial, research or laboratory use, plus 1 per 300 sq ft of usable floor area for any offices or other accessory uses.
Manufacturing Establishments or Establishment for Industrial Production, Processing, Assembly, Compounding, Preparation, Cleaning, Servicing, Testing, Repair	1 per 1,000 sq ft of GFA or 1 per on-duty employee based upon maximum employment shift, whichever is greater, PLUS any required spaces for accessory office, sales, display or other uses.
Outdoor Storage, General Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses and Similar Items.	1 ½ per on-duty employee based upon maximum employment shift, PLUS 1 per 300 sq ft of usable floor area for any offices or other accessory uses.
Warehouses and Wholesale Establishments	1 per 1,500 sq ft of GFA or 1 per on-duty employee based upon maximum employment shift, whichever is greater, PLUS any required spaces for accessory office, sales, display or other uses.
Wholesale Sales Store such as Furniture Sales; Appliance Sales; Machinery Sales; Showroom of a Plumber, Electrician, or Similar Trade	1 per 500 sq ft of usable floor area, PLUS 1 per employee based on maximum employment shift.
OTHER USES	
Adult Entertainment Uses	1 per 200 sq ft of usable floor area.
Composting Centers and Support Facilities	1 ½ per on-duty employee based upon maximum employment shift, PLUS 1 per 300 sq ft of usable floor area for any offices or other accessory uses.
Racetracks	1 per 4,000 sq ft of gross land area occupied by the use, or 1 per 3 persons allowed within the maximum occupancy load that the facilities are designed to accommodate.

Section 9.06 Design Requirements

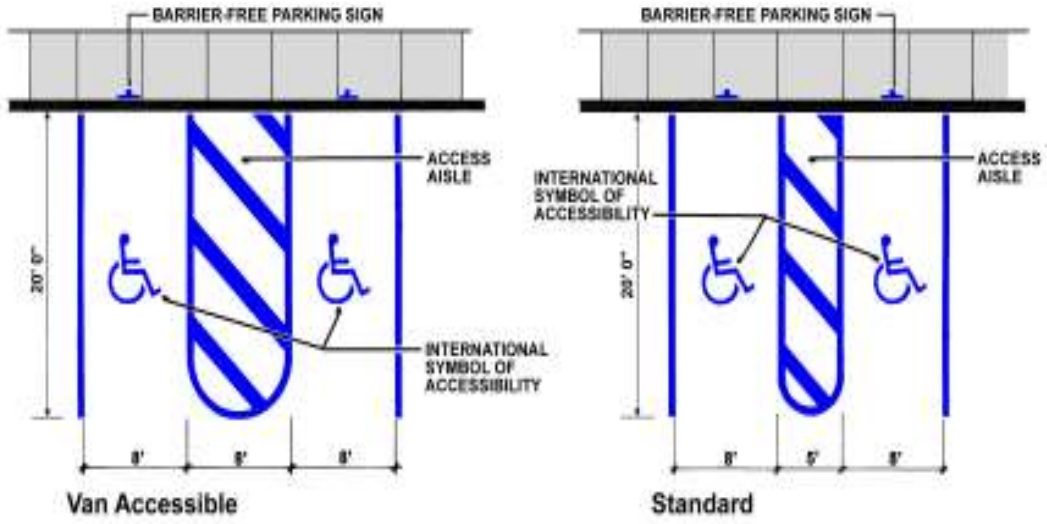
Off-street parking facilities, other than parking for single-and two-family (duplex) dwellings subject to Section 9.04, Residential Parking Standards, shall be designed, constructed, and maintained in accordance with the following:

A. Barrier-Free Parking Requirements

Barrier-free parking spaces signed and striped shall be provided at conveniently accessible locations within each parking lot, in accordance with the State Construction Code enforced by the Township, and the following (see illustration):

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces



Barrier-Free Parking Space Layout

B. Setbacks and Screening

Off-street parking spaces and all driveways shall be set back a minimum of 10 feet from all lot boundaries and road rights-of-way. Screening and landscaping shall be provided for all parking and loading facilities in accordance with the provisions of Section 10.06, Standards for Specific Areas.

C. Exterior Lighting

Where provided, exterior lighting shall comply with the standards of Article 12, Exterior Lighting.

D. Ingress/Egress

Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited. Driveways and aisles for any off-street parking area built to accommodate more than five (5) vehicles shall comply with the following requirements:

1. **Aisle width and length.** Drive aisles in off-street parking lots shall be at least 20 feet wide, and shall not exceed 200 feet in length without a break in circulation.

2. **Driveway configuration.** Each driveway shall meet the requirements of the Monroe County Road Commission. Notwithstanding the above, all lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area. The driveway shall intersect the abutting street at a 90-degree angle.

E. Pavement

Off-street parking facilities shall be paved in accordance with the construction and design standards established by the Township, and the following:

1. **Gravel surface.** The Planning Commission shall have the discretion to allow outdoor storage and display areas to be surfaced with graded earth, treated stone, or gravel materials that provide a durable, smooth and dustless surface.

2. **Paved surface.** Parking facilities shall be paved with concrete, plant-mixed bituminous asphalt or similar materials. All parking spaces in paved lots shall be marked with pavement striping.

F. Stacking Spaces

Where required by this Article, stacking spaces for drive-through facilities shall be 10 feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

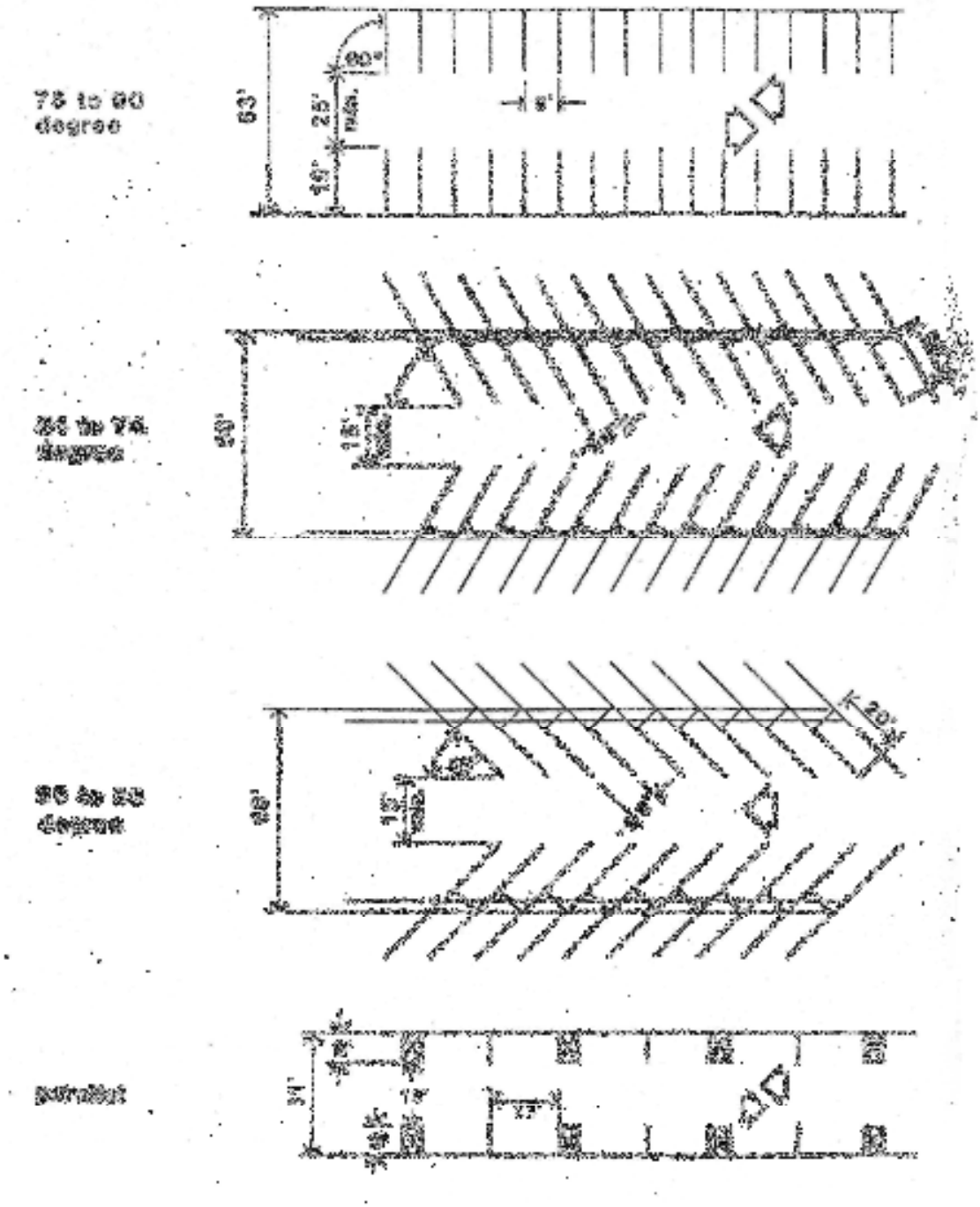
G. Grading and Drainage

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Township, the Monroe County Road Commission, and the Monroe County Drain Commissioner. Surface water shall not drain on to adjoining lots or across a public road, except in accordance with an approved drainage plan.

H. Parking Layout

The layout of off-street parking shall be in accordance with the following minimum requirements (see illustration):

Parking Pattern (degrees)	**Maneuvering Lane Width**	**Parking Space Width**	**Parking Space Length**	**Width of Maneuvering Lane Plus Two Rows**
0° (parallel)	15 feet (two-way)	8 feet	23 feet	31 feet
30° to 53°	15 feet (one-way)	9 feet	20 feet	60 feet
54° to 74°	18 feet (one-way)	9 feet	20 feet	60 feet
75° to 90°	25 feet (two-way)	9 feet	19 feet	63 feet



Parking Layouts

Section 9.07 Construction

Construction or alteration of off-street parking lots shall be in accordance with an approved site plan and the following:

A. Permits Required
Review and approval of appropriate permits from the Township Building Department shall be required. Proof of any necessary permits or approvals from Monroe County Road Commission, Monroe County Drain Commissioner's Office or other agency with jurisdiction shall be provided to the Township.

B. Parking Lot Plan Requirements
Plans for parking lots shall indicate existing and proposed grades, drainage, surfacing and base materials, and the proposed parking layout.

C. Performance Guarantee
In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee to ensure completion per Section 18.203, Fees and Performance Guarantees.

D. Curbs, Wheel Chocks
A curb at least six (6) inches in height shall be installed to prevent motor vehicles from being driven or parking so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, street, building, or adjoining property. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.

Section 9.08 Off-Street Loading

Adequate space shall be provided for loading and unloading activities associated with any use involving the receipt or distribution of vehicles, materials or merchandise, subject to the following:

A. General Standards
The following shall apply to loading and unloading areas in all zoning districts:

1. **Setbacks.** Loading spaces shall be set back a minimum of 50 feet from any residential district or use, except where enclosed within a building or screened to the satisfaction of the Planning Commission, per Section 10.06, Standards for Specific Areas.

2. **Hard surface required.** Loading spaces shall be paved with a concrete surface in compliance with accepted Engineering standards.

3. **Dimensions of loading spaces.** Each loading space shall be at least 10 feet wide and 25 feet long. If roofed, a loading space must have at least 15 feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis, or requires that semi-trailers will be parked in the space for more than 1 hour at any time, the loading space shall be at least 12 feet in width and 50 feet in length.

4. **Location of loading spaces.** The location and arrangement of loading spaces shall be subject to the following:

   a) Loading spaces shall be located within or immediately adjacent to the building being served.

   b) Loading spaces may occupy part of any required side or rear yard. No part pf a required font yard shall be occupied by such loading space.

   c) Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

B. Use Standards
The minimum number of required loading spaces shall be based on the gross floor area of a

building or addition. Commercial Uses, and Industrial, Research, and Laboratory Uses shall be required to provide a minimum number of loading spaces as follows:

Gross Floor Area	Number of Loading Spaces
0 – 4,999 sq. ft.	See note 1
5,000 – 19,999 sq. ft.	1 space
20,000 – 99,999 sq. ft.	1 space + 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 – 499,999 sq. ft.	5 spaces + 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	13 spaces + 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

Footnote for Table

1. Establishments containing less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 12 ft. by 50 ft. space in the event that the use of the property changes.

Section 9.09 Modification of Standards

Limited modifications to the standards of this Article shall be permitted, subject to the following:

A. Off-Site Parking Facilities

Required parking facilities accessory to non-residential uses in any zoning district may be located off-site (on other than the same zoning lot as the use served), subject to the following:

1. Required parking shall be located within 500 feet of a primary building entrance for the use.

2. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

B. Exceeding Maximum Number of Required Spaces

The Planning Commission may require any use to provide parking spaces above the required minimum as established by this Section, where the Planning Commission determines that additional parking is necessary to accommodate the use on a typical day of operation, based upon evidence supplied by the applicant.

C. Deferment of Parking Spaces

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space.

Deferred parking spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Building Official or Code Enforcement Officer has documented three (3) incidents of problem parking on the site.

D. Modification of Loading Space Requirements

The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide. Similarly, the Planning

Commission upon determination that the modified size and number are appropriate for the use may modify the size of loading spaces and the number of spaces for a use.

E. Other Circumstances

The Planning Commission may modify or waive off-street parking requirements under any of the following circumstances:

1. A determination that existing off-street parking spaces on or adjacent to the lot can effectively accommodate the parking needs of the proposed use without negatively impacting traffic safety or adjacent uses.

2. Sufficient evidence has been provided by the applicant to demonstrate that an alternative-parking standard would be more appropriate for the type, scale or intensity of the proposed use.

Section 9.10 Maintenance

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

1. Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.

2. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.

Section 9.11 Access Management

The purpose of this Section is to protect the substantial public investment in the Township's road system by preserving the traffic capacity of existing roads. It is the further intent of this Section to promote safe and efficient travel within the Township; minimize disruptive and potentially hazardous traffic conflicts; establish efficient standards for driveway spacing and the number of driveways; and ensure reasonable vehicular access to properties, though not always the most direct access.

Parcels in the C-l, Local Commercial, C-2, General Commercial, L-I, Light Industrial, and H-1, Heavy Industrial Districts shall be subject to the following standards:

A. Monroe County Road Commission Standards

Where the Monroe County Road Commission (MCRC) has adopted access management standards that are more restrictive than the standards of this Section, the adopted MCRC standards shall supercede the standards of this Section.

B. Driveway Spacing Standards

Each parcel in the C-l, Local Commercial, C-2, General Commercial, L-I, Light Industrial, and H-1, Heavy Industrial Districts shall have no more than 1 driveway entrance and exit opening to a public road for each 300 feet of frontage or fraction thereof. Where more than 1 driveway is allowed, the driveways shall be located at least 150 feet apart. No driveway shall be located within 30 feet of a lot boundary, or within 50 feet of a road intersection.

C. Shared Access Standards

Vehicle access to parcels in the C-l, Local Commercial, C-2, General Commercial, L-I, Light Industrial, and H-1, Heavy Industrial Districts may be provided by the development and use of shared driveways, cross-access drives, service drives, and similar means of shared access, subject to the following:

1. **Location.** New shared driveways, cross-access drives, and service drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the road right-of-way.

2. **Cross-access Easement.** Shared driveways, cross-access drives, and service drives shall be located within a dedicated access easement that permits traffic circulation between lots. The cross-access easement shall be reviewed and approved by the Township prior to recording with the Monroe County Register of Deeds office.

3. **Maintenance.** The easement area shall remain clear of obstructions, and shall not be used for parking unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the shared access. The Easement Maintenance agreement shall be reviewed and approved by the Township Attorney prior to recording with Register of Deeds office.

4. **Recording.** Recording of all documents with the Register of Deeds office shall be the responsibility of the owner(s). Evidence of recording shall be supplied to the Assessor's office.

Section 9.12 Traffic Impact Studies

Where authorized by this Ordinance or determined necessary by the Planning Commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is completed. The Township may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant per Section 18.203, Fees and Performance Guarantees.

The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards of the Michigan Department of Transportation (MDOT) handbook entitled *Evaluating Traffic Impact* Studies. The Planning Commission may modify the TIS requirements or scope based upon site and use location and conditions.

At a minimum, the TIS shall include the following:

1. An analysis of existing traffic conditions or site restrictions using current data.

2. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers' *Trip Generation* manual. The Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.

3. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting roads. Capacity analysis shall be based on the most recent edition of the Transportation Research Board's *Highway Capacity Manual*, and shall be provided in an appendix to the TIS.

4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and other users.

5. Prediction of the peak-hour operational conditions at site driveways and road intersections affected by the development.

6. Justification of need, including statements describing how any altered or additional access points will meet the intent of this Article, to preserve public safety and road capacity, and be consistent with the adopted master transportation plans for the Township, county or state road authorities.

7. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner.

Article 10
LANDSCAPING AND SCREENING

Section 10.01 Purpose

Screening and landscaping buffers are necessary for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimizes visual impacts of parking lots, loading areas and storage areas. Provisions for necessary screening and buffering contribute to a healthy development pattern, and increase the level of privacy for residential uses in the Township.

The purposes of this Article are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; to establish reasonable standards for the screening of uses of a significantly different scale or character, buffering of parking lots, storage areas and similar activities from road rights-of-way and adjacent lots; and protection of residential uses that abut non-residential zoning districts.

It is the intent of this Article that required landscaping and screening elements shall be immediately effective in achieving the purpose of this Article, and shall maintain that effectiveness as the plant materials mature. Where existing sites have been developed without adequate landscaping and screening, the purpose of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.

Section 10.02 Scope

Every property owner and developer shall be responsible for ensuring that the use of a zoning lot in the Township does not adversely impact adjacent properties. The standards of this Article shall be considered the minimum necessary to achieve the purposes of this Article and Ordinance, and shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to review per Section 17.01, Site Plan Review except single-family residential uses.

Section 10.03 Minimum Requirements

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping or screening.

Section 10.04 General Standards

A. Plant Material Standards

1. **General.** The following shall apply to all plant materials:

   a) All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI 260.1, 1996).

   b) All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.

   c) All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack.

   d) Artificial plant material shall be prohibited within required landscaping and screening areas.

2. **Groundcovers.** The following shall apply to all groundcover materials:

   a) Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.

   b) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.

   c) Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.

3. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

4. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

B. Landscaping Adjacent to Road

Where required, landscaping adjacent to roads shall comply with the following planting requirements.

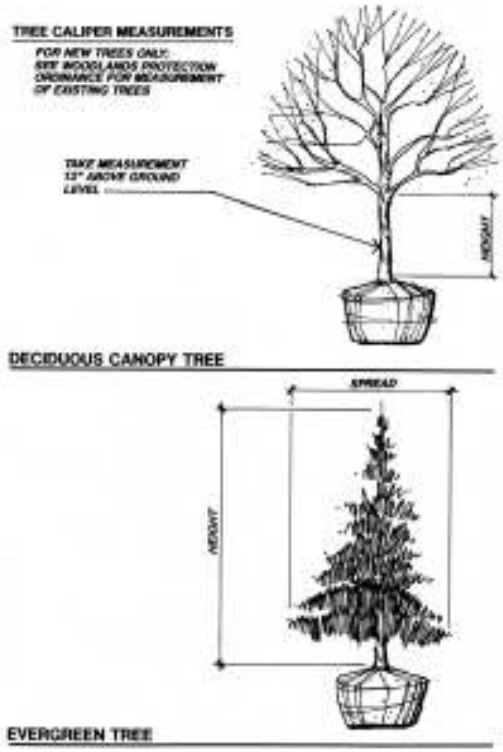
Type	Requirements
Deciduous or Evergreen Trees	1 per 40 ft of road frontage
Ornamental Trees	1 per 100 ft of road frontage
Shrubs	8 per 40 ft of road frontage

For the purpose of computing road frontage, openings for driveways shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

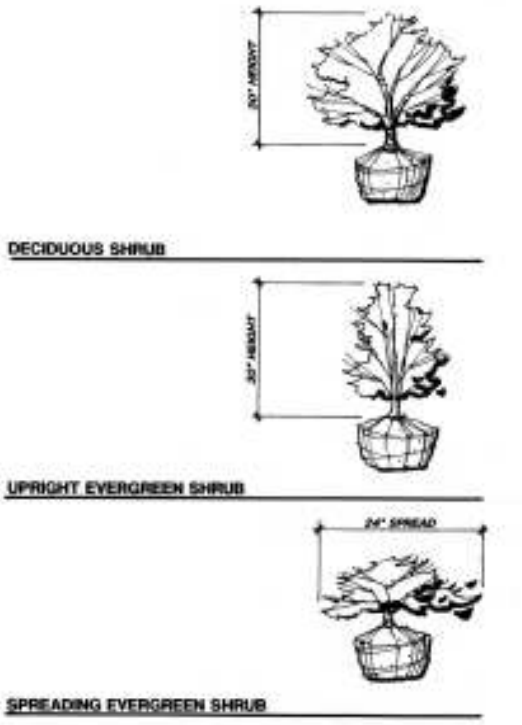
C. Standards for Size and Variety of Plant Materials

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than 30 percent of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2½ caliper-inches diameter
Evergreen Trees	5.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6 feet overall height
Shrubs	30 inches in height or 24 inches in spread



Minimum Plant Sizes



Minimum Plant Sizes

D. Irrigation

The site plan shall indicate the proposed method of watering all landscaped areas. Although, not required, installation of an in-ground irrigation sprinkler system is encouraged, especially in front yards.

Section 10.05 Methods of Screening

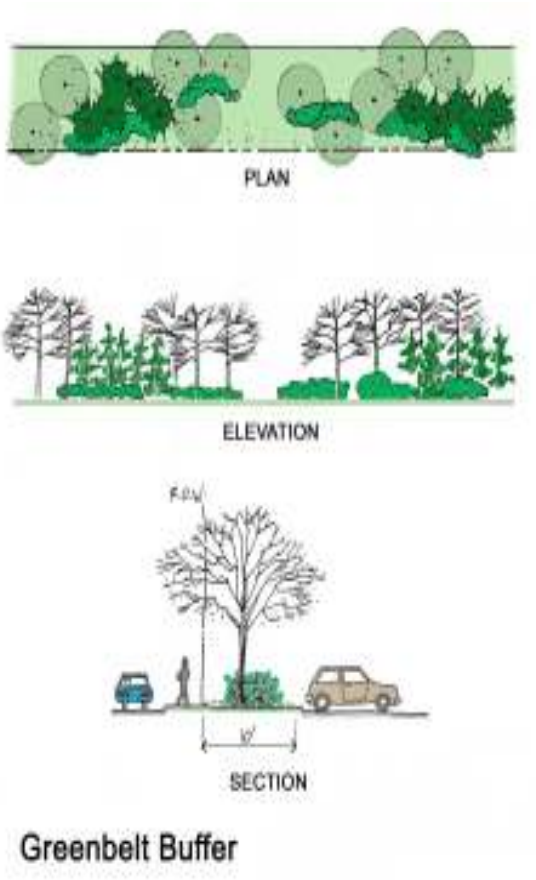
Screening and buffering is required between a residential zoning district that is adjacent to non-residential zoning district and shall be determined by the Planning Commission during site plan review and approval for the proposed non-residential uses. Screening and buffering elements shall satisfy the purpose and objectives of this Article, and shall be accomplished by any one of the following methods, or any combination of these methods that the Planning Commission determines to be best suited for the existing conditions:

A. Greenbelt Buffer

The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration):

1. Greenbelts shall have a minimum width of 10 feet.
2. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the greenbelt.

3. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer per the requirements of Section 10.04 C. of greenbelt length along a property line or road frontage.

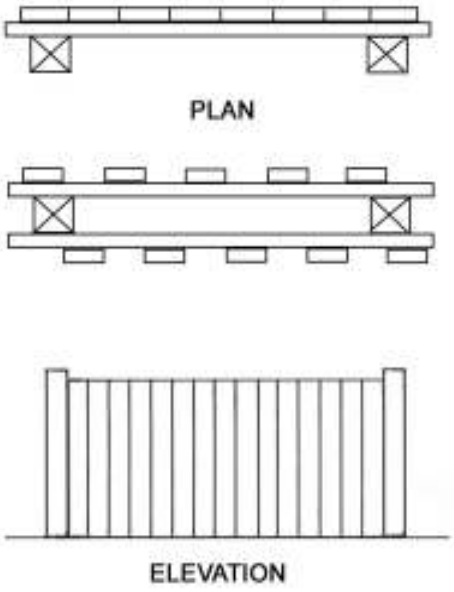


Greenbelt Buffer

B. Fence

The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration):

1. Required fences shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Such fences shall conform to the standards of Section 3.304, Fences.
3. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.

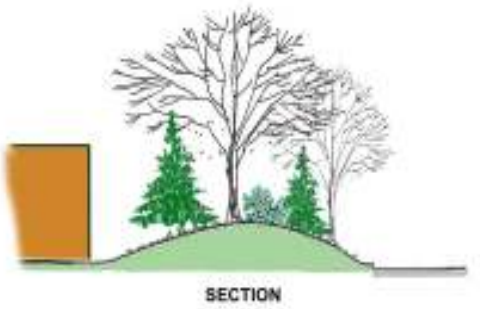


Fence

C. Berm

The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):

1. Berms shall have side slopes no steeper than three (3) feet horizontal to one (1) foot vertical (3:1 ratio).
2. Berms shall have a minimum height of three (3) feet. Overall berm height shall be adequate for the intended screening function.
3. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
4. The berm shall be designed and graded to blend with existing topography and shall be appropriately sodded, hydro-seeded, or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the berm.
5. The Planning Commission may require plantings on the berm, per Section 10.05A, Greenbelt Buffer.

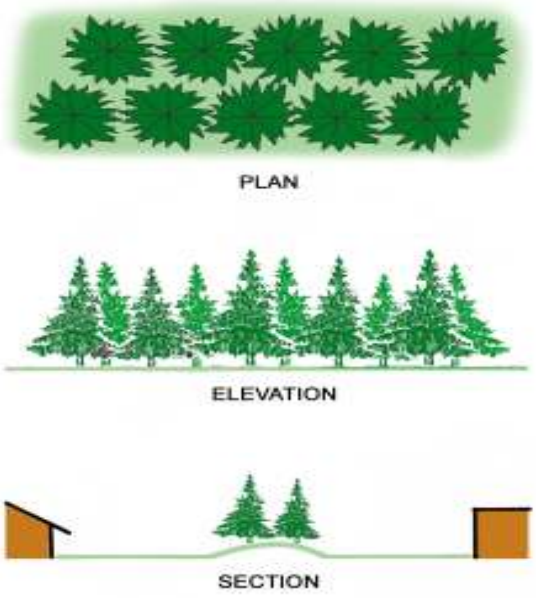


Berm

D. Evergreen Screen

The purpose of this method is to create a dense obscuring screen that meets the objectives of this Article. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows (see illustration).

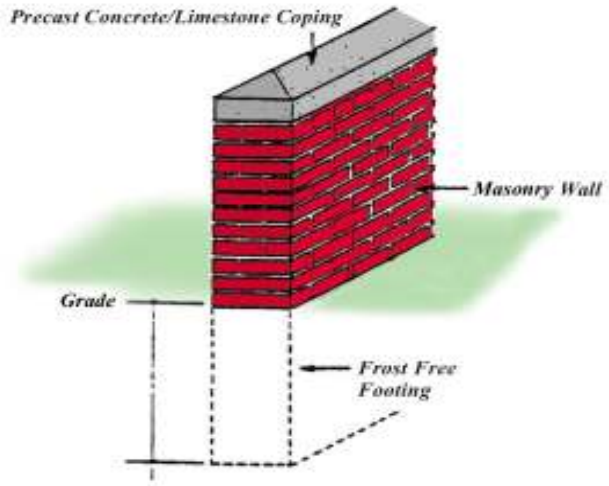


Evergreen Screen

E. Masonry Wall

The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):

1. Masonry walls shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Walls shall be solid in character, and capped with a stone or concrete cap.
3. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.



Screen Wall

Section 10.06 Standards for Specific Areas

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

A. Parking Lot Screening

Screening for off-street parking lots shall be subject to the following:

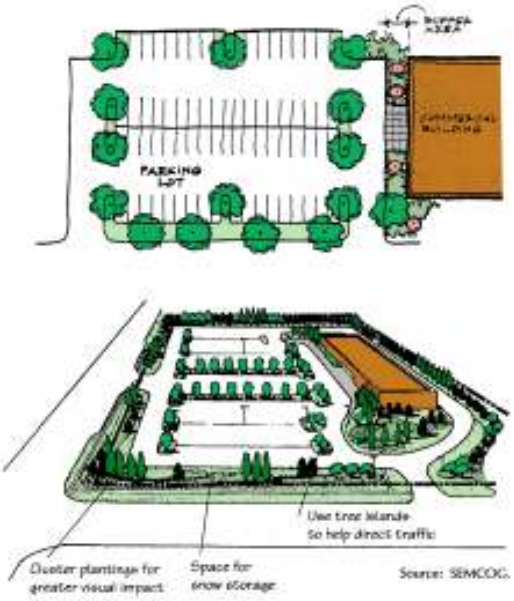
1. **Perimeter Screening.** Parking lots shall be screened from all abutting residential districts and road rights-of-way in accordance with Section 10.05, Methods of Screening.
2. **Snow Storage Area.** Adequate snow storage area shall be provided within the site. Plant materials within the snow storage area shall be hardy, salt-tolerant species characterized by low maintenance requirements.
3. **Landscaping within Parking Lots.** The Planning Commission may require installation of planting islands within parking lots that exceed 20 parking spaces or 6,000 square feet of paved surface area to define egress/ingress points, interior circulation system, and fire lanes. Such planting islands shall be subject to the following (see illustration):

a) Planting islands shall have a minimum width of 10 feet, and a minimum area of 160 square feet.

b) A minimum of one (1) deciduous shade tree or ornamental tree shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover all unplanted areas of the island.

c) Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.

B. Storage and Service Area Screening



Landscaping Within Parking Lots

Loading areas, storage areas and service areas, outdoor trash storage areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 10.05, Methods of Screening.

C. Detention and Retention Basin Screening

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall be subject to the Monroe County Drain Commissioner and the Township Engineer's standards and shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.

2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.

3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.

4. A perimeter greenbelt buffer shall be provided in accordance with Section 10.05A, Greenbelt Buffer and subject to the following:

a) Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.

b) Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

D. Trees in Residential Districts

Street trees are required for new residential subdivisions, multi-family development, site condominiums, and residential planned developments in accordance with Chapter 16 of the Code of Ordinances, Land Divisions and Subdivisions.

Section 10.07 Prohibited Plant Materials

The following trees are not considered desirable plant materials because of various problems, and shall not be used in required screening or as required landscaping except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

Species	Common Name
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; nut bearing variety
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash except varieties that are resistant to Ash Borer infestation
Pyrus calleryana	Bradford Pear

Section 10.08 Installation

All screening shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

1. **Deadline for Installation.** Installation of required screening elements and plant materials shall be completed within 365 calendar days from the date of construction permit issuance for the project.

2. **Extension.** The Code Enforcement Officer may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon

determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.

3. **Performance Guarantee.** The Code Enforcement Officer may require submittal of a performance guarantee, per Section 18.203, Fees and Performance Guarantees; to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Code Enforcement Officer shall conduct an inspection of the plant materials before the guarantee may be released.

Section 10.09 Maintenance

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

1. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
2. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
3. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
4. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
5. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.
6. Dead or diseased plant materials shall be replaced annually or in the next appropriate planting season.
7. Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.

Section 10.10 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

A. Consideration of Existing Elements in the Landscape Design

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Section, provided such substitution is in keeping with the spirit and intent of this Article and the Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this section.

B. Preservation of Existing Plant Material

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper, measured 12 inches above grade.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree.

No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials that are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced in accordance with the following schedule, unless otherwise approved by the Planning Commission on consideration of the site and building configuration, available planting space, and similar considerations:

Caliper Measured 12 inches above Grade		
Damaged Tree	**Replacement Tree**	**Replacement Ratio**
Less than 6 inches	2½ to 3 inches	1 for 1
More than 6 inches	2½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

Section 10.11 Exceptions

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
3. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance.

Article 11
SIGNS

Section 11.01 Purpose

The primary function of signs, as it relates to this Ordinance, is to identify a particular use or business occupying a zoning lot or building in the Township. The Township further finds that reasonable use of signage promotes commerce in the Township. However, unrestricted use of signs does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the Township would unduly distract or endanger motorists and pedestrians; obstruct vision or create traffic hazards; negatively impact property values; and reduce the effectiveness of both business signs and signs needed to direct and warn the public.

The provisions of this Article shall be considered to be the minimum necessary to promote and protect the public health, safety, comfort, morals, and convenience. The further purposes of this Article are to:

1. Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
2. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
3. Minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
4. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.

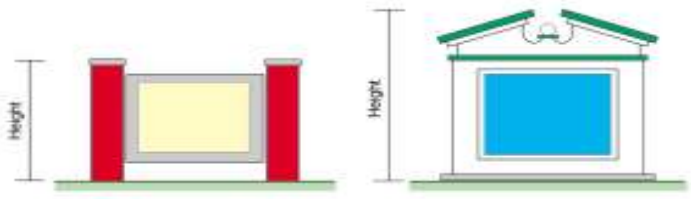
Section 11.02 General Standards

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

A. Standards of Measurement

Dimensional standards and measurements for signs shall be subject to the following (see illustration):

1. **Sign Height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements.



Sign Height

2. **Sign Setback.** Setbacks shall be measured from the closest road right-of-way line to the nearest edge of the sign whichever is greater.

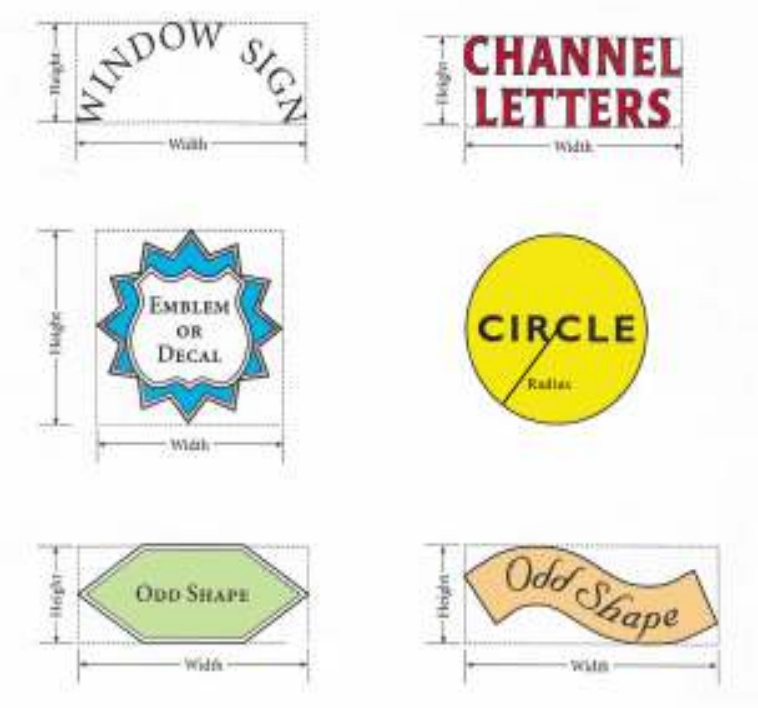
3. **Sign Area.** The surface area of a sign shall include the total area within any regular geometric figure (circle, triangle, rectangle, etc.) enclosing the extreme limits of letters, symbols or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see illustration).

   a) Where two (2) sign faces with identical sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of one (1) face.

   b) Where two (2) sign faces with different sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of the larger face.

   c) Where two (2) sign faces are placed more than 18 inches apart at any point, then the sign area shall equal the total area of all sign faces.

   d) Average height of the letters or components shall not exceed 36 inches.



Computation of Sign Area

B. Construction and Maintenance

All signs shall be constructed or installed in compliance with the State Construction Code, and other applicable building, fire, and electrical codes enforced by the Township; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.

All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over the top or in front of the sign structure.

C. Placement Requirements

The following placement standards shall apply to all signs:

1. No sign may extend above any parapet or be placed upon any roof surface. For purposes of this Article, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
2. No sign attached to a building, other than a permitted awning sign, may project more than 18 inches from the building wall.
3. Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where specifically authorized by this Article. This restriction shall include any future planned rights-of-way identified in the Township or County master transportation plans.
4. All signs shall be located at least 10 feet from any utility pole, overhead wire, transformer or streetlight.
5. All signs shall comply with the setback requirements for the district in which they are located, except as otherwise permitted in this Article.
6. Non-residential zoning districts are allowed one freestanding sign, i.e. a ground monument sign or pole sign in addition to the allowable wall signage.

D. Hazards and Obstructions

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

E. Use

Signs shall not impair the use of adjacent properties. All signs shall be accessory to the principal use of the lot where the sign is located, unless specifically permitted by this Article as a non-accessory sign. Any sign permitted by this Article may contain a non-commercial message. A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed 50 percent of the total sign area.

F. Illumination

Internal and external sign illumination shall be permitted, subject to the standards of Article 12, Exterior Lighting and the following (see illustration):

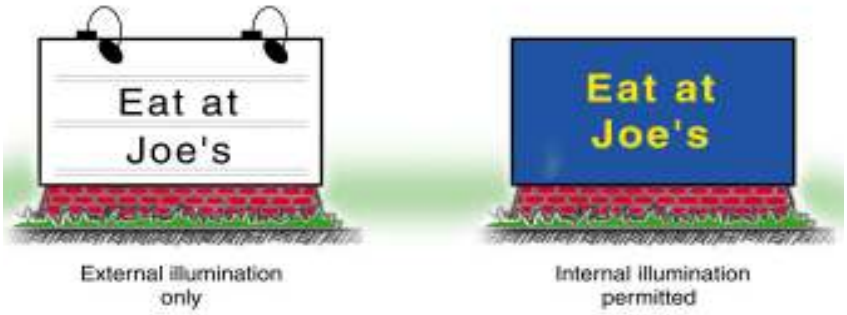
1. **External Sign Illumination.** External illumination of signs shall be permitted in any zoning district, provided that the light source(s) shall be non-glare, fully shielded, directed towards the sign face, and designed to concentrate all light on the sign copy area.
2. **Internal Sign Illumination.** Signs accessory to non-residential uses in any zoning district may be internally illuminated; provided that the sign faces are more than 50 percent covered by semi-opaque colors and materials with a color value and saturation of 50 percent or higher (see illustration). Internal illumination of signs accessory to residential uses shall be prohibited.
3. **Hours of Illumination.** Illuminated signs shall be equipped with a functional timer control. Such signs shall not be illuminated after 11:00 p.m. or ½ hour following the close of the business day whichever is later.

   Such signs shall not be illuminated before sunrise, or ½ hour prior to the beginning of the business day, whichever is earlier.

4. **Other Limitations.** Sign illumination shall be further limited as follows:

   a) Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type.

   b) Luminous tube lighting (neon, fluorescent or similar) shall not be directly visible from any road right-of-way or adjacent lot. Such lighting may be used as an indirect light source, or if shielded by translucent panels or similar methods.



Sign Illumination

5. **Temporary Signs**. Illumination of temporary signs shall be prohibited. Temporary signs shall be permitted as specific in the table below.

Type of Sign	Zoning Districts	Area (sq ft)	Height (ft)	Permit Required	Duration
Construction Sign	**All**	**24 sq ft**	**6 ft**	**Yes**	**Removed 14 days after completion**
Real Estate Signs	**All**	**6 sq ft**	**6 ft**	**No**	**Removed 30 days after sale**
Event Sign	**Non-residential**	**12 sq ft**	**4 ft**	**Yes**	**21 days per calendar year**
Political Signs	**All**	**32 sq ft**	**6 ft**	**No**	
Community Special Event Sign	**ALL**	**32 sq ft**	**6 ft**	**Yes, if displayed over 14 days**	
Garage sale sign	**Residential**			**No**	
Window signs	**Residential** **Non-residential**	**2 sq ft** **25% window**		**No** **No**	
Portable	**Not Allowed**				

Section 11.03 Exempt Signs

The following signs are exempt from Section 11.10, Sign Permit Requirements, and shall be permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable conditions and standards set forth in this Article:

A. Historic Designation
Historic signs designating site recognized by the State Historical Commission or local governmental body or agency.

B. Address Numbers and Nameplate
All principal buildings shall display their assigned road number in a manner legible from the road right-of-way. In addition, one (1) nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed two (2) square feet in area, and shall be attached flat against the building wall.

C. Regulatory
Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

D. Building Markers
Memorial signs, tablets or markers, and historical plaques cut into any masonry surface or constructed of bronze or other incombustible material and shall not exceed two (2) square feet in area.

E. Directional
Signs used to direct vehicular or pedestrian traffic to parking areas, loading area, subject to the following:

1. Directional signs shall not contain logos or other forms of advertising.
2. Directional signs shall not exceed 4 square feet or 4 feet in height.

F. Real Estate
One (1) temporary sign advertising the rent, sale, or lease of a lot or building not exceeding 10 square feet of sign face or six (6) feet in height. Such sign shall not be placed in the public right-or-way and shall be removed within 30 calendar days from the date of rental, lease, or sale.

G. Community Event
Decorations or displays celebrating traditional holidays or events, school or community events that are erected on the property of the sponsor of the display or event. Signs shall not exceed 32 square feet and six (6) feet in height. A permit shall be required if the sign is displayed over 14 calendar days in a calendar year.

H. Political
Non-illuminated temporary signs promoting political parties, candidates or proposals. Temporary political signs in residentially zoned areas shall not exceed 32 square feet and six (6) in height, in total for all signs so provided per each lot.

I. Governmental
Signs of duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.

J. Changeable Copy
Changes to sign copy within an approved changeable copy area in compliance with Section 11.05 C.

K. Window Signs
Temporary and permanent window signs shall be permitted on the inside of windows.

1. **Non-residential Districts**. Provided that no more than 25 percent of the window area is covered.

2. **Residential Districts**. One (1) window sign is allowed that is not greater than two (2) square feet.

L. Sign Repair

Painting, servicing, cleaning or minor repairs to an existing sign, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes, and the requirements for such signs specified in this Article.

M. Flags or Pennants

Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization, not to exceed two (2) flag poles per parcel. Also allowed are pennants installed with the permission of the Township Board of Trustees over public roads for promotional purposes.

N. "No Signs"

"No trespassing", "no dumping", "no hunting", "no skateboarding", and other similar signs when posted on private property. One (1) sign is allowed per 100 feet along a lot boundary. Each sign shall not exceed three (3) square feet in area.

O. Incidental Signs

Incidental signs on vehicles, trailers, trucks, and similar vehicles used for transport in the normal course of business, provided that the primary use of shall not be for the purpose of advertising on the premises where the vehicle is parked.

Section 11.04 Prohibited Signs

The following types of signs are prohibited in all districts:

1. Any sign not expressly permitted.

2. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.

3. Signs painted on or attached to trees, utility poles, streetlights, fences, streetlights or similar locations.

4. Signs placed upon or across any public right-of-way or upon any Township property except as expressly authorized by this Article, the Township Board or other agency with jurisdiction.

5. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.

6. Exterior string lights accessory to a non-residential use, other than holiday decoration or when used as an embellishment to landscape plant materials.

7. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.

8. Roof signs, projecting signs, and portable signs, as defined in Section 2.02, Definitions.

9. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.

10. Signs displayed without required permits or outside of permitted size, location or time period limitations.

11. Non-accessory and off-premises signs, including billboard signs per Section 11.09, Billboards, except as otherwise provided for in this Article.

12. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

13. Signs that are more than 3' tall and less than 9' tall are not allowed within the first 10' of the required front yard and/or corner side yard setback.

14. Signs placed on vehicles, trucks, vans, or trailers which are parked or located for the primary purpose of displaying said sign. This restriction does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

Section 11.05 Signs Allowed With a Permit

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with Section 11.10, Sign Permit requirements:

A. Site Entry Features with Signage.
Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; elderly or senior housing development; manufactured housing park; or office, research or industrial park, subject to the following (see illustration):

1. **Number of Signs.** Maximum of one (1) sign per entrance from a public road classified as a collector, arterial or thoroughfare by the master transportation plans for the Township, County or State road authorities.

2. **Setbacks.** Site entry features with signage shall be located outside of any road right-of-way or corner clearance area, and shall further comply with the following minimum setback requirements:

   a) Ten (10) feet from any road right-of-way or curb line of any internal access driveway.

   b) Five (5) feet from any sidewalk or paved path.

3. **Sign Area and Height.** The maximum height for signs on a site entry feature shall not exceed six (6) feet, and the maximum sign area shall not exceed 24 square feet.

4. **Illumination.** Illumination of such signs shall be limited to external light sources.

5. **Planning Commission Review.** The location and design of each site entry feature with signage shall be subject to review and approval by the Planning Commission.

B. Construction Signs
Temporary construction signs shall be subject to the following:

1. **Number of Signs.** Maximum of one (1) sign per road frontage of the zoning lot.

2. **Sign Area, Height and Location.** The maximum sign area shall not exceed 24 square feet, and the maximum sign height shall not exceed six (6) feet. Construction signs shall be set back a minimum of 10 feet from any road right-of-way.

3. **Display Period.** The sign shall not be erected prior to approval of a site plan, final preliminary plat or equivalent Township action, and shall be removed within 14 calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.

C. Time/Temperature/Message Signs

Time/temperature/message signs shall be permitted in commercial districts and for institutional uses, i.e. churches, schools, government office, etc. subject to the following:

1. **Frequency of Message Change**. The message change shall not be more frequent than once every 30 seconds.
2. **Size**. The area of types of signs shall be included within the maximum sign area permitted on the site.
3. **Number**. One (1) such sign shall be permitted per street frontage.

D. Gasoline Sale Signs

Gasoline signs in addition to other allowable permitted signage shall be subject to the following:

1. **Area**. Price signs shall not exceed 12 square feet in area and shall be counted as part of the total allowable signage area. Price signs may be in the form of a message sign.
2. **Canopy**. Corporate identification signs of less than five (5) square feet each may be affixed to three (3) sides of a canopy providing coverage to pump islands.

E. Canopy and Awnings

Signs on canopies and awnings in non-residential districts shall be permitted, subject to the following:

1. **Coverage**. The total area of the lettering and logo shall not exceed 25 percent of the total area of the canopy or awning that is visible from the street.
2. **Size Requirements Compliance**. The area of signs on awnings and canopies shall be counted as part of the building's total allowable area for wall signage.
3. **Color**. Signs attached to a canopy or awning shall be one color in contrast to the background color.
4. **Location**. Canopies shall not project more than eight (8) feet beyond a building façade or other architectural feature nor be closer that six (6) to the curb line. A minimum under clearance of eight (8) feet shall be maintained.

F. Event Signs

Grand opening, going out-of business, and one event temporary banner or sign shall be permitted, subject to the following:

1. **Location**. The temporary banner/sign may be located on the structure or outside of the required setback area; provided that the sign does not obstruct the vision of drivers or detract from the visibility of any traffic sign or traffic control device.
2. **Size**. The sign area shall not exceed 12 square feet in sign face or four (4) feet in height.
3. **Number of Signs**. Maximum of one (1) sign per road frontage of the zoning lot.
4. **Display Period**. The sign or banner shall not be erected prior to approval of a sign permit, and shall be removed within 21 calendar days of issuance of the permit. Only one (1) such permit may be applied for in any calendar year by the business and/or property owner.

Section 11.06 Wall Signs – Permit Required

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township, and to minimize the proliferation of excessive or out-of-scale building signage.

The following shall apply to all building-mounted signs in any zoning district:

1. **Location.** All building-mounted signs shall be located entirely within the street level façade(s).
2. **Rear public entrance sign.** One (1) additional building-mounted sign not exceeding four (4) square feet in area shall be permitted at any rear or side public entrance.
3. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section and the following:
   a) Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
   b) The appearance, color, texture, and materials used shall be compatible with adjacent structures and uses, and the purpose of the zoning district.
   c) The sign conforms to the standards of this Section and Section 11.02, General Standards.
4. **Area**. The wall sign shall not exceed one (1) square foot of sign area per one (1) linear foot of building frontage. In no case shall the total of wall signs exceed 100 square feet.

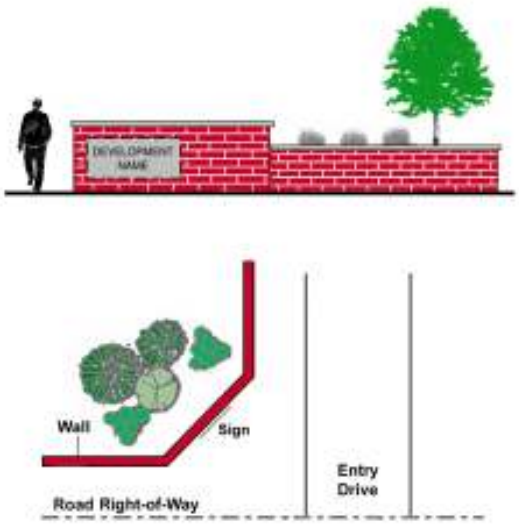
Section 11.07 Ground Monument Signs – Permit Required

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township, and to minimize the proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists, or create traffic hazards or visual blight within the Township.

The following shall apply to all ground signs in any zoning district:

1. **Corner Clearance**. Ground signs shall be prohibited within corner clearance areas, as defined in Section 3.301, Corner Clearance Areas.
2. **Number**. A maximum of two (2) sign faces shall be permitted per ground sign.
3. **Placement**. No part of a ground sign may be placed within a required side yard or within 10 feet of a side lot line.
4. **View**. No ground sign shall be placed in such a manner as to prevent any traveler on a curve of a road from obtaining a clear view of approaching vehicles for a distance of 500 feet along the road.
5. **Height**.
   a) **Non-residential district**. Maximum height of a ground sign shall not exceed six (6) feet from grade.
   b) **Residential district**. Maximum height of a ground sign shall not exceed six (6) feet from grade.
6. **Area**.
   a) **Non-residential district.** Total area of one face of a ground sign shall not exceed 32 square feet.

b) **Residential district.** Total area of one face of a ground sign shall not exceed 24 square feet.



Site Entry Feature With Signage

Section 11.08 Pole Signs – Permit Required

Pole signs shall be permitted in commercial, industrial, or marina districts subject to the following:

1. **Number**. One (1) pole sign shall be permitted per street frontage on each parcel. In multi-tenant buildings or shopping centers the sign area may be allocated for use by individual tenants.
2. **Size**. The total sign face area shall not exceed the ½ of a square foot per lineal foot of lot frontage, but in no case shall the pole sign exceed 72 square feet in area.
3. **Height**. A pole sign shall not exceed 15 feet in height and at least 9 feet clearance is required from grade to the bottom of the sign.
4. **Location**. Pole signs are not subject to front yard setback requirements for the zoning district in which they are located; however, a pole signs must not be located within, project into, or overhang a public right of way.

Section 11.09 Billboards

A. Findings

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

1. Billboard signs are not appropriate in the AG, Agriculture and M-U, Mixed Use because such signs would detract from the visual appearance and residential character of the Township that attracts visitors and customers.
2. Billboard signs are not appropriate in areas zoned for residential uses, because the intense commercial nature of the advertising activity would be harmful to residential property values and incompatible with the quality of life in residential areas.
3. Billboard signs are not appropriate in the Township's commercial districts and industrial districts, because such signs would be out-of-scale with the structures and commercial/industrial character of the districts, incompatible with abutting residential uses, and harmful to the promotion of commerce in the district.

4. Billboard signs are not appropriate in areas along the primary paved county roads in the Township, because a proliferation of billboard signs would create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.

5. The placement of new billboard signs in the Township is contrary to the purpose of this Article, and the goals and objectives of the Township's Master Plan.

B. Billboards Prohibited

In accordance with the above findings, new billboard signs are hereby prohibited within Monroe Charter Township.

C. Existing Billboards

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 11.11, Nonconforming Signs. The Code Enforcement Officer shall be responsible for maintaining an inventory of the location and condition of all existing billboard signs in the Township.

D. Standards for Electronic Billboards

In the emerging technologies, electronic changing messages and video displays are increasing displayed on billboards. To allow this technology to be utilized on existing billboards the following standards must be met:

1. Electronic or digital billboards shall have a maximum sign face area of 300 square feet.

2. Electronic or digital billboards shall not exceed 40 feet in height.

3. The separation distance between billboards shall be a minimum of 1,500 lineal feet measured from billboard to billboard regardless of the side of the roadway that the billboard is located.

4. No billboard or portion thereof may turn on an axis, rotate, revolve or otherwise physically move.

5. Only one contiguous display area is allowed on a sign face.

6. Image displays must be maintained for a minimum of 10 seconds so as not to provide a greater distraction for drivers. The images and messages displayed must be static, and the transitions from one static display to another must be instantaneous without any special effects.

7. All LED displays must be equipped with a mechanism that automatically adjusts the brightness in response to ambient light conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions. The following brightness stands must be met:

   a. No sign may be brighter than is necessary for clear and adequate visibility.

   b. No sign shall be of such intensity or brilliance as that it interferes with the effectiveness of an official traffic sign, device or signal.

8. The applicant must agree in writing to permanently remove within 15 days after issuance of a sign permit for an electronic display billboard, at least two other sign faces of a billboard within Monroe Charter Township that are owned or leased by the applicant. The applicant must agree that the Township may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash bond or letter of credit sufficient to pay the Township's costs for that removal. The applicant must also agree that it is removing the signs voluntarily and that is has no right to compensation for the removal of any sign under any law.

   a) Removal must include the complete removal of the structure and foundation supporting each sign face.

b) The Township has not previously issued an electronic billboard permit based on the removal of the particular faces relied upon in this permit application.

Section 11.10 Sign Permit Requirements

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the Township and paying the required permit fee according to the schedule of fees established by the Township Board.

A. Building Permit includes Sign Permit Approval

For purposes of this Section and Ordinance, building permits issued by the Building Official in accordance with the State Construction Code enforced by the Township shall also include any sign permit approval required under this Article. The Building Official shall be responsible for consulting with the Zoning Administrator to verify compliance with this Article, prior to issuing building permits under the State Construction Code enforced by the Township.

B. Sign Permits

Wherever a provision of this Article requires approval of a sign permit for work not regulated by the State Construction Code enforced by the Township, approval of a sign permit shall be required subject to the provisions of this Section and Section 18.201, Zoning Permits.

C. Required Information for Sign Permit Applications

The following shall be provided with any sign permit application:

1. **Application information.** Permit applications shall include the following information:

   a) The name, address and telephone numbers for the applicant, property owner, and sign contractor; road address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.

   b) Any other information required by the Code Enforcement Officer or Building Official to show full compliance with this Ordinance, and other codes and ordinances enforced by the Township.

2. **Plot plan.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.

3. **Sign details.** Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination. All ground signs exceeding 40 square feet of area and/or exceeding 10 feet in height shall have plans bearing the seal of a Michigan licensed architect or engineer indicating the sign is designed for a minimum of 30 pounds per square foot of wind load.

4. **License and insurance.** Every person who engages in the business of erecting, altering or dismantling signs in the Township shall first submit proof of appropriate licenses or certifications, and a liability insurance policy that indemnifies the Monroe Charter Township and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be cancelled or changed until after written notice has been filed with the Township at least 30 days prior to the date of cancellation.

5. **Removal agreement or bond.** The Code Enforcement Officer or Building Official may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.

6. **Fees.** The Monroe Charter Township Board shall determine the fee schedule for sign permits.

Section 11.11 Nonconforming Signs

All existing signs that do not conform to the provisions of this Article and Ordinance shall be permitted to continue as nonconforming signs until removed or altered, at which time they shall conform to the provisions of this Article and Ordinance. Nonconforming signs shall be subject to the following:

A. Good Working Order

Nonconforming signs of shall be maintained in accordance with the requirements for all signs specified in Section 11.02, General Standards. Nonconforming signs shall be maintained with all necessary structural and decorative parts, including but not limited to supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

B. Servicing

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 11.02, General Standards.

C. Alterations

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign Copy Area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 11.02F Illumination.

2. **Billboard Signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 11.02F Illumination.

3. **Sign Frame or Structural Elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:

   a) The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.

   b) Existing sign wiring and ground sign support structures may be re-used, provided that permitted alterations will not increase any nonconformity caused by inadequate sign setback

Section 11.12 Sign Removal by Township Action

A. Abandoned or Unlawful Signs

The Code Enforcement Officer shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 2.02 Definitions and subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Code Enforcement Officer may order the removal of such signs in accordance with the following procedure:

1. **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.

2. **Removal.** Abandoned or unlawful signs shall be removed within five (5) days after notification of a determination and order for removal by the Code Enforcement Officer. All support structures and components shall be completely removed. Failure to remove the sign shall constitute grounds for the Township to remove the sign at the at the property owner's expense. The owner shall reimburse the Township for

removal costs, or the Township may place a lien on the property for necessary removal expenses.

B. Damaged Signs

Signs determined to be in a damaged condition by the Building Official or Code Enforcement Officer shall be repaired or removed within five (5) days after notification by certified mail. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Building Official or Code Enforcement Officer shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

C. Unsafe Signs

The Building Official shall attempt to contact the sign owner to request that the unsafe condition be corrected. However, the Building Official may order the removal of any sign determined to be unsafe without prior notice. After removal, the Building Official shall notify the property owner by certified mail of the action taken and the reasons for the action. The owner shall reimburse the Township for removal, storage and reclamation costs, or the Township may place a lien on the property for such expenses.

D. Nonconforming Signs

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate removal of nonconforming signs determined to be in violation of Section 11.11, Nonconforming Signs requirements.

Section 11.13 Zoning Board of Appeals Authority

The Zoning Board of Appeals (ZBA) shall have the authority to grant an exception from the strict application of these regulations, provided that such relief may be granted without substantially impairing the intent of this Article. Application and consideration of sign exceptions shall be in accordance with the following procedures and standards:

A. Applications for Sign Exceptions

Any party who has been denied a permit for a proposed sign may file a request for an exception to this Article with the ZBA within 30 calendar days of the decision. Applications for exceptions from one (1) or more provisions of this Article shall be submitted in accordance with Section 18.103C, Applications. Following a public hearing the ZBA may consider the standards stated in this Section for the merits of granting an exception to particular requirements of this Article.

B. Procedures for Consideration of Sign Exceptions

Applications for exceptions from the provisions of this Article shall be considered by the ZBA in accordance with the procedures specified in 18.103, Zoning Board of Appeals.

C. Exception Standards for Signs.

The ZBA shall consider the following standards while reviewing any application for an exception from one (1) or more provisions of this Article.

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.

2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.

3. **Site features.** Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities.

4. **Scale.** A sign that exceeds the allowable height or area standards of this Article would

be more appropriate in scale because of the large size or frontage of the premises or building.

5. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot or the neighborhood.

6. **Minimal.** The exception shall be the minimum necessary to allow reasonable use, visibility, or readability of the sign.

7. **Intent of this Article.** The exception shall not substantially impair the intent and purpose of this Article.

D. Findings and Conditions

In a motion denying a sign exception, the ZBA shall state the specific grounds for the decision, which shall be supported by specific findings of fact. The ZBA may attach any conditions to approval of a sign exception regarding the location, character, timing of display, or other features of the proposed sign as deemed reasonable.

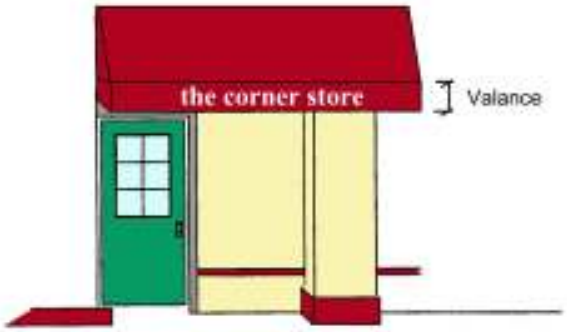
Section 11.14 Table of Allowable Signage

Type of Sign*	Zoning Districts	Area (sq ft)	Height (ft)	Permit Required
Animated	Not allowed			
Banners	Not allowed			
Billboard	Not allowed			
Building markers	All	2		No
Canopy, Awning	Non-residential	Part of wall sign area		Yes
Community Event	All	32	6	No
Construction	All	24	6	Yes
Directional	Non-residential	4	4	No
Flags	All	(see 11.03 M)		No
Gasoline Sales	Non-residential	12 (see 11.05 D)		Yes
Governmental	All			No
Historic	All			No
Holiday Displays	All	(see 11.03 G)		No
Incidental	All			No
Message boards	Non-residential	Included in area		Yes
Monument	Non-residential	32	6	Yes
Monument	Residential	24	6	Yes
Nameplate	All	2		No
“No” signs	All	3		No
Pole	Non-residential	½ per linear ft., maximum 72 sq. ft.	15	Yes
Political	All	32	8	No
Portable	Not Allowed			
Projecting	Not Allowed			
Real Estate	All	10	6	No
Roof	Not Allowed			
Side entry	Non-residential	6		Yes
String Lights	Not Allowed			
Traffic control	All			No
Wall	Non-residential	1 sq ft / building frontage maximum 100 sq. ft.		Yes
Window	Non-residential	25% percent		No
Window	Residential	2		No

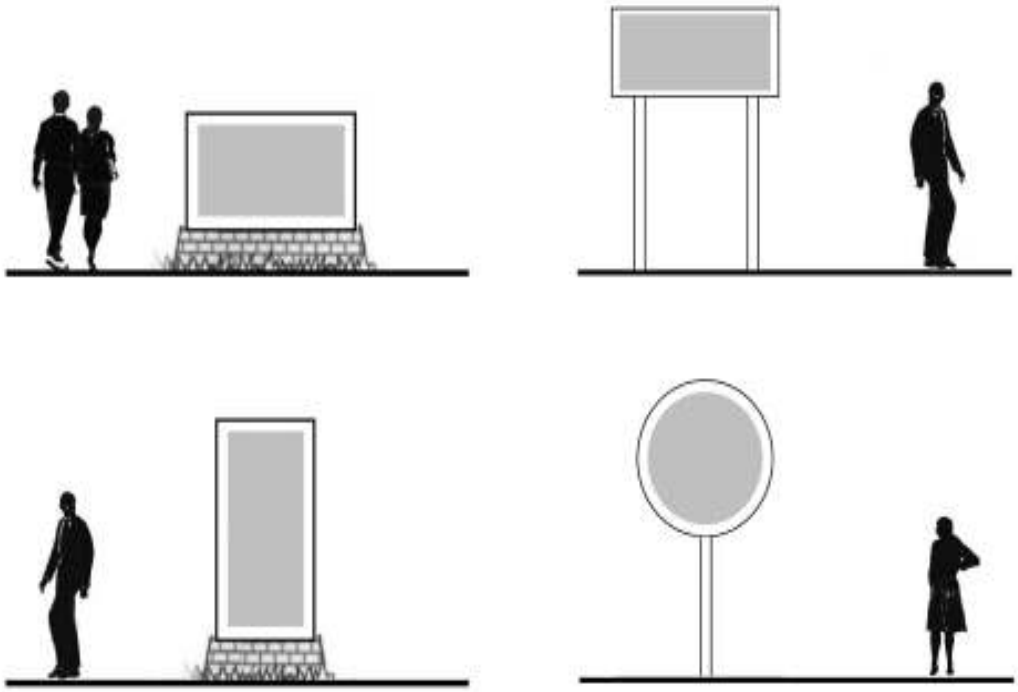
* Non-residential zoning districts are allowed one freestanding sign, i.e. ground monument sign or pole sign in addition to allowable wall signage.

ILLUSTRATIONS

Window Sign



Awning Sign



Various Types of Ground Signs

Article 12
EXTERIOR LIGHTING

Section 12.01 Purpose

The purpose of this Article is to preserve the lawful nighttime use and enjoyment of all properties in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy and resources; and prevent the degradation of the nighttime visual environment.

The standards of this Article are intended to protect the general welfare by allowing sufficient (but not excessive) lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the Township.

Section 12.02 Scope

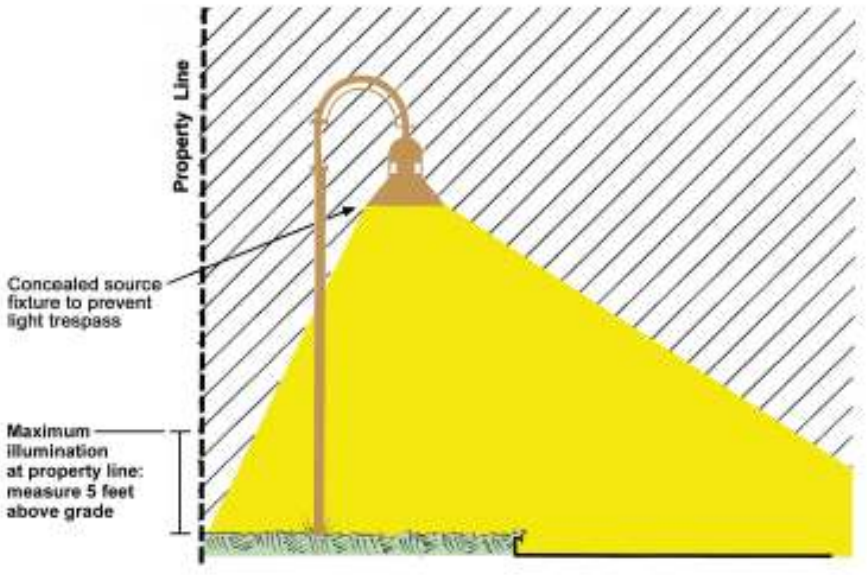
The standards of this Article shall apply to all exterior lighting sources, and to all light sources visible from any road right-of-way or adjacent lot except for the provisions of Section 12.06.

Section 12.03 General Standards

The following general standards shall apply to all light sources regulated by this Article:

A. Fully-Shielded

Exterior lighting shall be fully shielded; using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).



Lighting Fixture Orientation and Shielding

B. Glare and Light Trespass

Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, traffic hazards, and light trespass on neighboring lots.

C. Lighting Types

Lamp lumens or equivalent and types shall be consistent with fixture's style and function, as follows:

1. Fixtures in parking lots and high traffic areas shall use low or high-pressure sodium, metal halide or similar lamp types with a maximum of 250 lumens or equivalent per fixture up to 20 feet in height above grade. A maximum of 400 lumens or equivalent per fixture may be permitted for fixtures exceeding 20 feet in height above grade.

2. Decorative exterior light fixtures shall be limited to lamps with a maximum 100 lumens or equivalent per fixture.

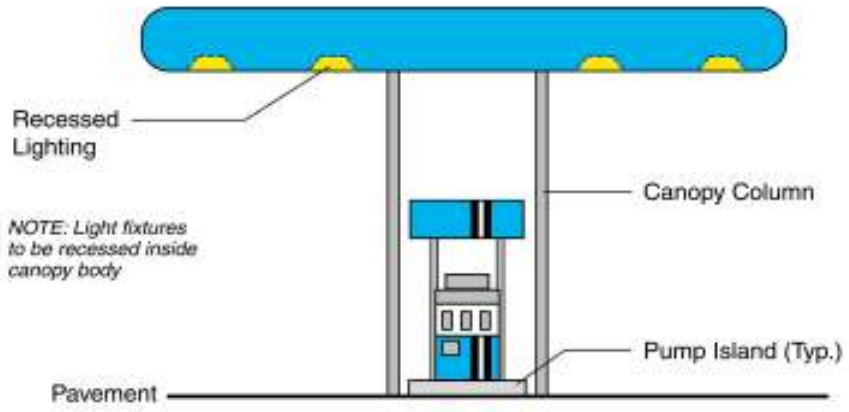
D. Intensity

The maximum intensity of light within any site shall not exceed the following standards:

Light Intensity	**Maximum** (footcandles)
At any point within the site	10.0
At any lot boundary or road right-of-way line	1.0

1. **Outdoor dealership sales area lighting.** The Planning Commission may permit a maximum lighting intensity of 20.0 footcandles for any point within a dealership outdoor sales area, provided that all site lighting is otherwise in compliance with this Ordinance.

2. **Pump island canopy lighting.** The Planning Commission may permit a maximum lighting intensity of 20.0 footcandles for any point under a gas station's pump island canopy; provided that all light fixtures under the canopy shall be fully recessed into the canopy structure and all site lighting is otherwise in compliance with this Ordinance (see illustration).



Pump Island Canopy Lighting

E. Measurements

Measurements of exterior lighting height and intensity shall be made in accordance with the following:

1. Light intensity levels shall be measured on the horizontal plane at grade level within the site.
2. Light intensity levels shall be measured on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade.
3. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

F. Submittal Requirements

The following exterior lighting information may be required by the Planning Commission with any site plan, site condominium plan, or Commercial Plan Development application where exterior lighting is proposed to be altered or installed:

1. The location, type and height of all existing and proposed light fixtures.
2. A photometric grid measuring the overall light intensity within the site in footcandles.
3. Manufacturer's specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

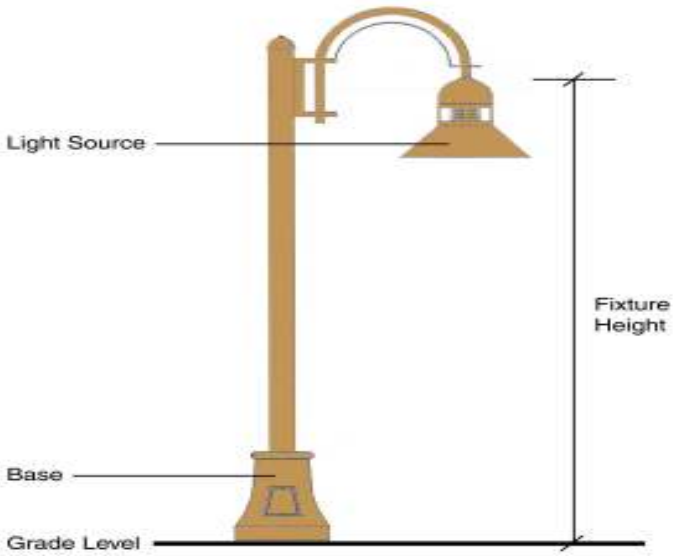
Section 12.04 Standards by Type of Fixture

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 12.03, General Standards:

A. Freestanding Pole Lighting

The following standards shall apply to all freestanding, pole-mounted light fixtures:

1. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a residential district or lot occupied by an existing residential use, as follows:



Light Fixture Height

Fixture Location	Maximum Height
Less than 50 feet from a residential district or use	15 feet
51 feet to 300 feet from a residential district or use	20 feet
More than 301 feet from a residential district or use	25 feet

2. **Hours of operation.** All exterior lighting systems accessory to non-residential uses shall incorporate automatic timers. Exterior light fixtures shall not be illuminated after 11:00 p.m. or one-half (½) hour following the close of the business day whichever is later. Such fixtures shall not be illuminated before sunrise or one-half (½) hour prior to the beginning of the business day whichever is earlier. Minimal illumination for security purposes shall be permitted between these hours. The only exception is for facilities that are open to the public or have a work force in place 24 hours a day.

B. Architectural Lighting

Architectural lighting shall be subject to the following:

1. **Facade illumination.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed downward and towards the facade. All light from such fixtures shall be concentrated on the wall surface. Uplighting of a building facade shall be prohibited.

2. **Accent lighting.** Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.

C. Window Lighting

All interior light fixtures visible through a window from a public right-of-way or adjacent property shall be shielded to prevent glare at the property line or within a public right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible through the window from a public right-of-way or adjacent property.

D. Illuminated Signs

Sign illumination shall conform to the provisions of Article 11, Signs.

Section 12.05 Exempt Lighting

The following types of exterior lighting shall be exempt from the requirements of this Article, except that the Code Enforcement Officer and/or Building Official may impose reasonable restrictions on the use of such lighting where necessary to protect the health, safety and welfare of the public:

1. Holiday decorations displayed for temporary periods not to exceed 90 calendar days.
2. Lighting for a permitted temporary circus, fair, carnival, or civic use.
3. Shielded streetlighting and pedestrian walkway lighting.
4. Exterior lighting accessory to an active farm, agricultural operation or single family dwelling, which does not cause off-site glare or contribute to light pollution.

5. Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Article, or where fire, police, emergency, construction or repair personnel need light for temporary or emergency situations.

6. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

Section 12.06 Alternatives and Substitutions

Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Article and the following:

A. Decorative Light Fixtures
The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution.

B. Alternative Lighting Designs
The Planning Commission may approve an alternative lighting design, provided that the Commission finds that the design would be in accordance with the purpose of this Article.

C. Fixture Alteration or Replacement
Light fixtures regulated by this Article shall not be altered or replaced after approval has been granted, except where the Code Enforcement Officer and/or Building Official has verified that the alteration or replacement would comply with the provisions of this Article and the approved site plan.

Section 12.07 Exceptions

It is recognized by the Township that certain uses or circumstances may have special exterior lighting requirements not otherwise addressed by this Article. The Zoning Board of Appeals (ZBA) may waive or modify specific provisions of this Article for a particular use or circumstance, upon determining that all of the following conditions have been satisfied:

1. A public hearing shall be held for all lighting exception requests in accordance with the procedures set forth in Section 17.03, Public Hearing Procedures.

2. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.

3. The minimum possible light intensity is proposed that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation; and to minimizing light pollution, off-site glare, and light trespass on to neighboring properties or road rights-of-way.

4. For lighting related to roads or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs, or other passive means.

5. Additional conditions or limitations may be imposed by the ZBA to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this Article.

Section 12.08 Prohibited Lighting

The following types of exterior light sources and activities shall be prohibited:

1. **Mercury vapor lighting.** The installation of mercury vapor fixtures shall be prohibited.

2. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, including electronic reader boards and other animated sign lighting.

3. **Searchlights and laser source lighting.** The use or operation of laser source light, searchlights, and similar high intensity light sources projected above the horizontal plane for outdoor advertising or entertainment purposes shall be prohibited unless approved as part of a temporary use permit by the Township.

Article 13
SPECIAL PROVISIONS

Section 13.01 Residential Open Space Development Option

This Section establishes provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

A. Purpose

The purpose of this development option is to preserve prime farmlands and open space in the Township by providing an alternative method for residential development, which allows the same number of home sites to be developed per Article 5, Schedule of Regulations, but clustered on no more than 50 percent of the land area. The remaining unused land shall exist perpetually in an undeveloped state by means of a conservation easement or similar legal means that runs with the land.

B. Scope

Land in the AG-1, Agricultural, R-1, Low Density Residential, and R-2, Medium Density Residential Districts may be developed according to the standard conditions and requirements of this Ordinance, or in accordance with the open space preservation option of this Section. No portion of the development site shall have previously been part of an open space preservation option development. If the open space preservation option is selected, such land shall be developed in accordance with the conditions and requirements of this Section, and other applicable standards of this Ordinance.

C. Qualifying Conditions

To be eligible for approval as a residential open space development, the applicant shall demonstrate to the Planning Commission's satisfaction that all of the following criteria have been satisfied:

1. The land is zoned for residential development at a density of two (2) or fewer dwelling units per acre if not served by a publicly-owned and operated sanitary sewer system; or a density of three (3) or fewer dwelling units per acre if served by a publicly-owned and operated sanitary sewer system.

2. The development of land under this Section shall not depend upon the extension of a public sanitary sewer or water supply system by the Township.

3. The clustering option allowed under this Section shall only occur on one (1) parent parcel, and shall not have previously been exercised on the same land.

4. Clustering of the dwelling units shall occur in a manner that preserves the basic amenities and qualities normally associated with single-family living (including privacy, personal open space, and adequate natural lighting and ventilation), while still allowing for innovative site layout and open space areas.

D. Conceptual Review

Applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, and designated Township consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and Township land development policies and procedures, prior to submitting plans for formal review.

1. Any person may also request that a conceptual open space development plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment.

2. The Township Board may set a fee for conceptual review of open space development plans to defray costs associated with such reviews.

3. Comments and suggestions by the Township regarding a conceptual open space development plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of an application for approval under this Section.

E. Development Review

Applications for residential development approval under the open space preservation option of this Section shall be reviewed following the same procedures used for review and approval of:

1. A subdivision plat under the provisions of the Land Division Act, P.A. 288 of 1967, as amended; or

2. A condominium subdivision (site condominium) development under Article 14, Condominium Regulations and the Condominium Act, P.A. 59 of 1978, as amended; or

3. A detailed site plan, per site plan approval process specified in Section 17.01C, Site Plan Review Procedure, for applications that include a proposed metes and bounds (unplatted) land division under the provisions of the Land Division Act, P.A. 288 of 1967, as amended.

F. Required Information

Applications for approval of a residential development under this open space preservation option shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by resolution of the Township Board.

2. **Parallel Plan.** The applicant shall submit a conceptual plan for the purpose of demonstrating the number of units, which could be developed under the existing zoning using traditional techniques, subject to the following:

   a) This parallel plan shall be consistent with the standards of this Ordinance, including all standards of Article 5, Schedule of Regulations.

   b) The plan shall identify all portions of land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting residential development.

   c) The plan layout shall show the location and width of all necessary road rights-of-way and stormwater management areas serving the conceptual development lots.

   d) The plan layout shall conform to all county and state requirements for single-family residential development, and shall not impact wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).

3. **Conservation Easement.** Documentation of a proposed conservation easement or similar irrevocable legal instrument that runs with the land, to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity.

4. **Development Plan.** The development plan shall include all information required for the type of development approval requested (metes and bounds land division, subdivision plat or site condominium development). The development plan shall further include the following:

   a) A site features inventory identifying active agriculture areas, topography at two (2) foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils based upon U.S. Soil

Conservation Survey, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site.

b) Date, north arrow, and scale. Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.

c) Documentation from the Monroe County Health Department, Michigan Department of Environmental Quality (MDEQ) or other agency with jurisdiction that each of the lots and dwellings can be adequately served by private well, septic or wastewater treatment systems; or documentation that the proposed dwellings will be served by existing or planned publicly-owned and operated water or sanitary sewer services.

d) Layout of all proposed roads, including the location and width of proposed rights-of-way, and the layout and design of proposed pedestrian paths, driveway curb cuts, and other improvements intended to serve individual lots in the development.

e) Location of all utilities that would be necessary to serve the development and which would not be located within any public right-of-way or private road easement. Such utilities may include stormwater retention or detention basins, community sewage treatment systems, and community water supply systems.

f) If the development requires septic tanks and drain fields the location of each shall be indicated. The applicant will also provide the required permits of approval from the Monroe County Health Department.

g) The total number of acres to be developed; percentage of development area to total site area; and location and layout of each proposed lot (including building envelope, setbacks, and lot area, width, and frontage).

h) The location and layout of all land areas to remain undeveloped, plus the total number of acres of land to remain undeveloped and percentage of undeveloped area to total site area.

i) Location and proposed use of all proposed structures and improvements, other than dwelling units.

j) Any additional information requested by the Zoning Administrator or Planning Commission to demonstrate compliance with the development standards of this Section, and the applicable requirements of this Ordinance.

G. Development Standards

Every lot developed or to be developed with the open space preservation option shall comply fully with all of the following requirements:

1. **Permitted Residential Density.** The overall residential density of the open space development shall not exceed the maximum number of lots permitted for the parent parcel, per Article 5, Schedule of Regulations as shown on the approved parallel plan.

   a) Non-dwelling units within the development (such as a clubhouse) shall be subject to all the requirements of this Section, and further shall be subject to all other Township ordinances applicable to the type of structure proposed.

   b) If non-dwelling structures are developed on the site, no reduction in the number of dwelling units shall be required. However, a lot shall be created for the non-dwelling unit and the required 50 percent of open space shall be maintained.

2. **Minimum Required Open Space.** A minimum of 50 percent of the gross lot area of the parent parcel shall be retained and maintained in perpetuity as permanent open space.

3. **Lots Abutting Open Space.** All dwelling units shall be so situated as to have at least one side of the lot abutting onto the open space area. In addition, the open space shall be accessed by a 15-foot easement (for ease of access for equipment, etc for maintenance, or other acceptable uses of the provided open space). The Planning Commission may waive this requirement for all or a portion of the proposed development lots upon determination that an alternative layout satisfies the purpose and intent of this Section.

4. **Variety in Dwelling Unit Design.** Variety in the design of individual units shall be provided by the use of design details that do not appear to be continuous or repetitious. Overly repetitious exterior design patterns, as determined by the Planning Commission, shall be prohibited.

5. **Perimeter Landscaped Buffer.** The Planning Commission may require that a landscaped greenbelt, berm or other buffer be provided along the perimeter of the development site, per Section 10.05, Methods of Screening.

6. **Private Roads.** If a private road is planned to serve the development within the Open Space Preservation Plan, it must conform to the standards of the Monroe County Road Commission.

7. **Dimensional Standards.** The standards of Article 5, Schedule of Regulations shall apply to lots created under this Section, subject to the following:

   a) **Minimum Building Separation.** The minimum spacing between dwelling units constructed under this option shall be at least 25 feet.

   b) **Minimum Floor Area.** The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the zoning district.

   c) **Minimum Yard Setbacks.** The minimum yard setback standards of the zoning district shall apply to lots created under this open space preservation option, subject to the following:

      (1) At the option of the landowner, the minimum lot area, lot width, and yard setbacks may be reduced, subject to a Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.

      (2) All dwelling units shall be setback a minimum of 25 feet from any road right-of-way, as measured from either the public right-of-way dedication or from the private right-of-way easement.

   d) **Minimum Lot Size.** The minimum lot area and lot width standards of the zoning district shall apply to lots created under this open space preservation option, subject to the following:

      (1) At the option of the landowner, the minimum lot area and lot width may be reduced, subject to a Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.

      (2) Lots created under this option shall contain adequate lot area and width to provide for development of a principal dwelling and customary accessory structures without need for a variance.

(3) Lots that directly abut the outer perimeter of the development site shall be designed to be reasonably consistent with adjacent uses, as determined by the Planning Commission.

H. Standards for Open Space

At least 50 percent of the land proposed for development under the provisions of this Section shall remain perpetually in an undeveloped state by means of a conservation easement or similar legal instrument that runs with the land, as approved by the Township Attorney. Such open space preservation area shall conform to the following standards:

1. Open space shall be arranged to maximize preservation of prime farmlands, woodlands, natural stands of large trees, wildlife corridors or natural habitat areas or unusual topographic features.

2. Undeveloped lands may be arranged to interconnect with and be contiguous to existing or planned open space areas on abutting parcels, to the maximum extent practical.

3. Use of preserved open space shall be limited to outdoor recreation, hunting (where permitted), recreational trails, parks and playgrounds, and similar uses, as determined by the Planning Commission.

4. The open space may, but is not required to be dedicated to the use of the public.

5. All structures shall be located outside of land area designated as preserved open space. Only those structures or improvements that are consistent with the approved development plan and the terms of the conservation easement shall be permitted within the designated open space area.

6. The following areas shall not be considered in the calculation for open space:

   a) Areas within utility easements.

   b) Required yard setback areas for individual lots, and areas within required perimeter landscaped buffers.

   c) Areas occupied by golf courses or off-street parking lots.

   d) Land areas occupied by stormwater detention or retention basins or privately owned and operated wastewater treatment systems or community septic fields.

I. Conservation Standards

The applicant shall provide a copy of the conservation easement or similar legal instrument that would run with the land and have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. Examples of such a legal instrument include a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, PA 197 of 1980, as amended. The legal instrument shall be subject to the following minimum requirements:

1. **Review and Recording.** Such legal instrument shall be reviewed and approved by the Township Attorney prior to recording. After approval by the Township, the applicant shall record the conservation easement or similar legal instrument with the Monroe County Register of Deeds office, and shall provide proof of recording and a copy of the recorded documents to the Township.

2. **Irrevocable Conveyance.** At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization or other public body with authority and ability to ensure that the open space will remain undeveloped.

3. **Permitted Uses and Development.** The instrument shall specify the allowable use(s) of the open space.

4. **Development Plan.** The instrument shall require that the open space be maintained in perpetuity in an undeveloped state, without structures or other improvements, except as shown on the approved development plan. The development plan shall be attached to the recorded instrument as an exhibit.

5. **Maintenance.** The instrument shall require that the open space be maintained by parties who have an ownership interest in the open space; shall provide standards for scheduled maintenance of the open space; and shall allow for maintenance to be undertaken by the Township in the event that the open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

J. Amendments and Appeals

No part of an open space preservation plan can be appealed to the Zoning Board of Appeals. Regulatory modifications are not subject to variance approval and any deviation from an approved development plan shall require approval by the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner within the development area from seeking a variance following final approval of an open space preservation plan, provided such variance shall not involve alterations to open space areas as shown on the approved plan.

An approved open space preservation plan, including any conditions of approval, shall not be altered except upon approval by the Planning Commission.

K. Performance Guarantees

Based on review of the development plan and other application materials, the Planning Commission may require a performance guarantee, per the standards of Section 18.203, Fees and Performance Guarantees.

Section 13.02 Wireless Communication Facilities

A. Purpose

The purpose of this Article is to:

1. Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennas on a single tower.

2. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks from potential adverse impacts of towers and antennas.

3. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

B. Application

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant Information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.

2. **Site Plan.** A site plan that identifies the type of wireless communications facility, as defined in this Ordinance, and includes the following:

   a) A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the

facility will be located, and all existing structures and uses within 300 feet of the boundaries of the zoning lot.

b) A screening plan, with details of proposed fencing and screening materials.

c) Elevation drawings of all proposed towers and other structures on the site.

d) A location map for the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within five (5) miles of the proposed location.

3. **Service Area Coverage Maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the additional service area coverage of proposed facilities.

4. **Construction Drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction and type of illumination for each wireless communications facility.

5. **Permission to Locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the Township, of permission to locate a wireless communications facility on the site.

6. **Co-location Agreement.** The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the site plan and elevation drawings.

7. **Insurance Certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing Monroe Charter Township as the certificate holder and naming the Monroe Charter Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder. The Township may require the applicant to supply a $1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

8. **Maintenance Agreement.** The applicant shall submit a plan for the long-term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.

9. **Removal Agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of towers or antennas as applicable. The applicant shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Section.

10. **Tax-related Information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

11. **Engineering Certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the

event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

C. Type of Review Required

The purpose of this Section is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION or USE	Required Review and Approval		
	Planning Commission	Zoning Permit	Exempt
NEW TOWERS AND ANTENNAS			
Construction, alteration or enlargement of wireless communications facilities, including cell towers, AM antennas arrays, television or radio towers, and microwave or public utility transmission towers.	■		
Installation of an antenna on an existing building or structure.	■		
COLOCATION ON EXISTING TOWERS			
Co-location of an antenna on an existing approved tower.		■	
SATELLITE DISH ANTENNAS			
Installation of a satellite dish antenna with a diameter of less than 1.5 meters.			■
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		■	
AMATEUR RADIO ANTENNAS			
Installation of an amateur radio transmission and reception antenna.		■	
Installation of citizen band radio facilities, short wave facilities, an amateur radio reception-only antenna or governmental facilities subject to federal or state laws or regulations that preempt local regulatory authority.			■
OTHER PROJECTS			
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable codes.			■
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			■

1. **Exempt Facilities.** Activities listed as exempt from review shall be permitted by right, subject to the applicable standards of this Section.

2. **Facilities Subject to Zoning Permit Approval.** Such facilities shall be subject to review and approval by the Zoning Administrator in accordance with the applicable standards of this Section and Section 18.201, Zoning Permits

3. **Facilities Subject to Planning Commission Approval.** Such facilities shall be subject to a public hearing, and review and approval by the Planning Commission in accordance with the applicable standards of this Section and the review procedures specified in Section 13.02D, Review Procedure.

D. Review Procedure

Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

1. **Procedure.** After a complete application has been received and review fees paid, wireless communications facilities subject to Planning Commission review shall be reviewed in accordance with the following procedure:

   a) **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 13.02B, Application.

   b) **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. The applicant shall submit the plans to applicable outside agencies.

   c) **Public hearing.** A public hearing shall be scheduled and held before the Planning Commission for all wireless communications facilities subject to Planning Commission review, in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended and Section 17.03, Public Hearing Procedures.

   d) **Planning Commission action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.

      (1) The Planning Commission shall verify whether the facility is in compliance with the requirements of this Section and Ordinance.

      (2) The Planning Commission shall verify whether the facility satisfies the criteria for approval listed in Section 13.02I, Criteria for Approval.

      (3) The Planning Commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.

2. **Effect of Action.** Approval of the wireless communications facility by the Planning Commission shall allow the Building Official to review and issue a permit for the work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Planning Commission. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.

3. **Expiration of Approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of

the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

E. General Requirements

The following regulations shall apply to all wireless communications facilities:

1. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.

2. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

3. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.

4. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.

5. **Colors.** Towers, and antennas located on towers, shall be painted white or grey. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.

F. Standards for Wireless Communications Towers

The following shall apply to all wireless communications towers, microwave, or public utility transmission towers or antenna arrays, in addition to the provisions of Section 13.02E, General Requirements:

1. **Location.** Wireless communications towers shall be limited to lots in the AG, Agricultural, R-1, Low Density Residential, L-I, Light Industrial, H-I, and Heavy Industrial Districts that have sufficient lot area to accommodate the minimum setback requirements of this Section.

2. **Height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennas attached to the tower. The Planning Commission may waive this height limitation, subject to the following:

   a) Determination that the additional height is necessary to permit reasonable use of the tower and antennas, based upon documentation submitted by the applicant.

   b) Determination that the additional height will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum height standard of this subsection.

3. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:

   a) **From Lot Boundaries.** A minimum distance equal to 100 percent of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.

   b) **From Adjacent Districts and Uses.** A minimum of 200 feet from the boundary of a residential zoning district or lot occupied by a residential use.

   c) **Between Towers.** New wireless communication towers shall be set back a minimum of one (1) mile from all existing towers. The Planning Commission may

approve a lesser separation distance upon determining that the tower location is necessary to satisfy reasonable operating requirements.

4. **Co-location.** Wireless communications facilities shall be designed, constructed and maintained to accommodate co-location of multiple antennas on a single tower.

5. **Ground Equipment Enclosure.** New wireless communication towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. Screening shall be provided on all sides of the ground equipment enclosure except the gated area in accordance with Section 10.05, Methods of Screening.

6. **Tower Address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

G. Standards for Antennas Located on Structures.

The following shall apply to antennas located on principal or accessory structures, in addition to the provisions of Section 13.02E, General Requirements:

1. Such antennas shall be limited to structures in the AG, Agricultural, R-1, Low Density Residential, L-I, Light Industrial, H-I, and Heavy Industrial Districts with a minimum height of 50 feet.

2. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.

H. Standards for Amateur Radio Antennas:

The following shall apply to all amateur radio antennas, in addition to the provisions of Section 13.02E, General Requirements.

1. Amateur radio antennas shall be limited to lots in any zoning district that have sufficient lot area to accommodate the minimum setback requirements of this Section.

2. A maximum of one (1) such antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to 100 percent of its height.

3. Such antennas shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

I. Criteria for Approval.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

1. **Operating Requirements.** The applicant shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.

2. **Engineering Requirements.** The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.

3. **Impact on Adjacent Uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and road rights-of-way will not be adversely impacted by the location of the wireless communications facility.

4. **Site Characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.

5. **Site Design.** The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this Section and Ordinance.

J. Existing Towers and Antennas

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 13.02E, General Requirements and all approved plans, permits, and conditions of approval.

K. Rescinding Approval of Wireless Communications Facilities

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

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with the procedures set forth in Section 17.03, Public Hearing Procedures, at which time the operator of the use or owner of an interest in the wireless communications facility for which approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

L. Removal of Wireless Communications Facilities

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than 365 contiguous days, shall be removed by the owner or operator within 90 days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.

M. METRO Act Telecommunication Facilities

Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act, P.A. 48 of 2002, as amended.

Section 13.03 Approval of Land Divisions

All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Land Division Act, P.A. 288 of 1967, as amended, and shall conform with the dimensional requirements of this Ordinance, as specified in Article 5, Schedule of Regulations for the zoning district where such land is located.

A. Application Requirements

1. A fully complete application and payment of applicable fees as established by the Board of Trustees.
2. A survey of the parcel as it currently exists.
3. A signed and sealed survey by a licensed land surveyor of the proposed land divisions, fully dimensioned, including legal descriptions for all proposed parcels and the remaining

parent parcel and all structures, including setbacks to all new property lines; and all driveways and wells and septic fields.

B. Review Process

1. The Code Enforcement Officer, Building Official, the Assessor, and the Treasurer of the Township shall determine compliance with the Township Ordinances and state law requirements.

2. The final approval of land divisions shall be made by the Township Supervisor in compliance with current state law.

3. An appeal based on the decision of the Township shall be subject to Section 18.103D, Administrative Appeals by the Zoning Board of Appeals.

C. Document Submittals

1. It shall be the responsibility of the applicant of a land division to furnish a copy of the approved land survey with proof of recording from the Monroe County Register of Deeds to the Township within 60 days of the Township's approval.

Article 14
CONDOMINIUM REGULATIONS

Section 14.01 Purpose

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance and the Condominium Act, P.A. 59 of 1978, as amended. Condominium projects shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, P.A. 59 of 1978, as amended, condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. The intent of this Article is to ensure that condominium subdivision (site condominium) subdivisions are developed in compliance with all applicable standards of this Ordinance and the Land Division Act, P.A. 288 of 1967, as amended, except that the review procedures of this Article and Ordinance shall apply.

It is the intent of this Article that review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a traditional subdivision under the Land Division Act, P.A. 288 of 1967, as amended, except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.

Section 14.02 General Requirements

The following regulations shall apply to all condominium units:

A. Types of Permitted Condominium Units

The following types of condominium units shall be permitted under this Article, subject to conformance with the use and zoning district standards of this Ordinance:

1. **Single-family Detached Units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.

2. **Attached Residential or Multiple-family Residential Units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance and the applicable zoning district.

3. **Non-residential Condominium Units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district.

B. Condominium Unit or Site Condominium Lot

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as referenced in the Land Division Act, P.A. 288 of 1967, as amended, and shall comply with the dimensional standards of the zoning district.

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan.

C. Area Computation

The minimum area of the site condominium unit and the surrounding limited common element shall be equivalent to the minimum lot area and lot width requirements for the zoning district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

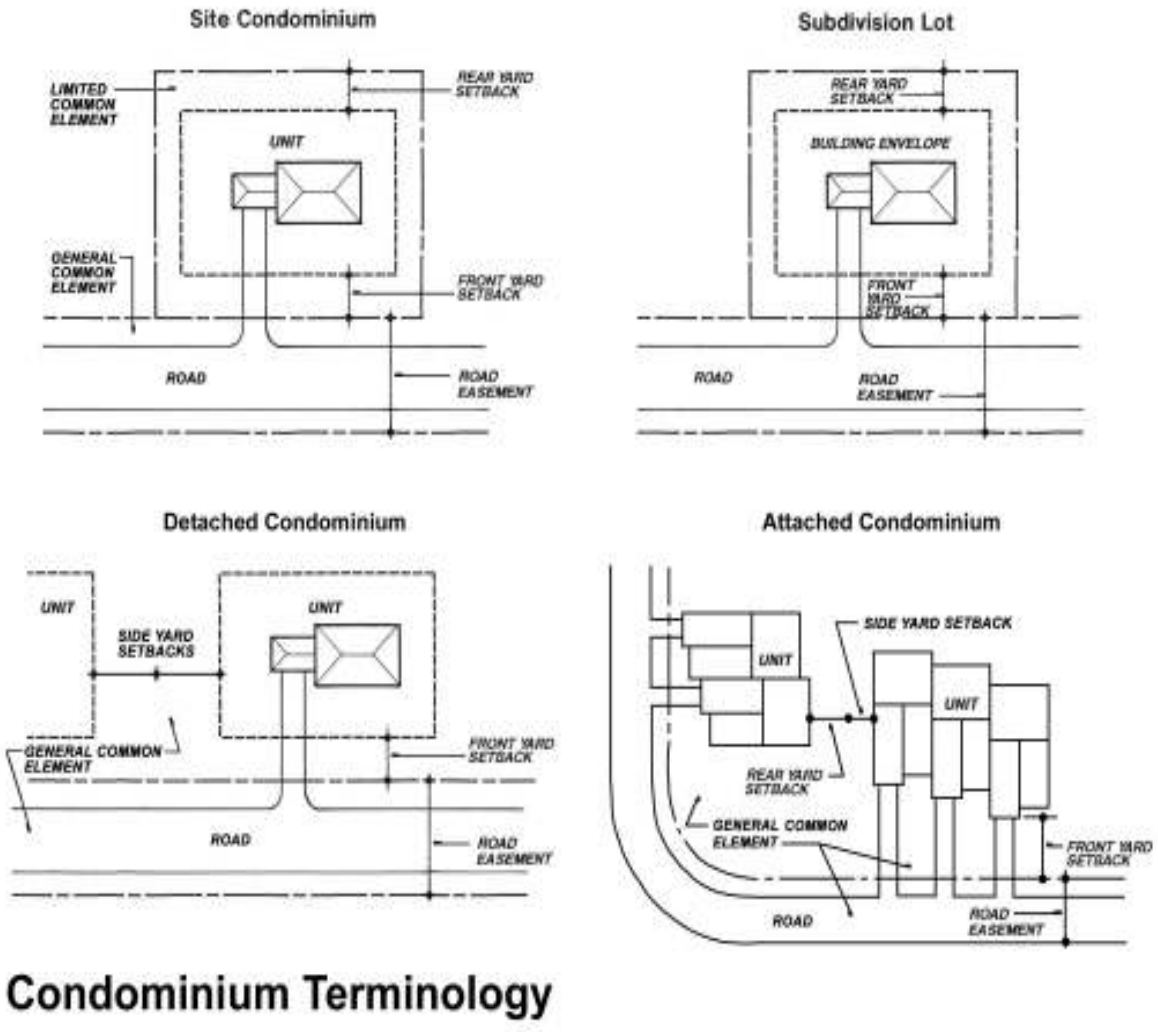
D. Relocation of Lot Boundaries

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, P.A. 59 of 1978, as amended, shall comply with the requirements of Article 5, Schedule of Regulations, and shall be subject to the review procedures specified in Section 12.01C, Site Plan Review Procedure.

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, P.A. 59 of 1978, as amended, shall comply with the requirements of Article 5, Schedule of Regulations or shall be placed into common areas within the project.

E. Roads

All condominium projects shall require direct access and direct connection to a public road from the project site. All public and private streets within a condominium project shall conform to the standards and specifications of this Ordinance and those established by Monroe County Road Commission for road design and maintenance, and shall be located within an approved and dedicated right-of-way of sufficient width and design to accommodate street pavement, sidewalks, and all necessary utilities.



Section 14.03 Review Requirements

A condominium project shall be subject to the site plan review procedures specified in Section 17.01C, Site Plan Review Procedure, and the following:

A. Conceptual Review

To minimize time, costs and interpretation of Township development requirements, applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, or designated Township consultants to discuss a conceptual condominium site plan, site issues and application of Ordinance standards, prior to submitting plans for formal review.

1. Any person may also request that a conceptual condominium site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum information required by Section 14.04 A, Conceptual Condominium Plan Requirements.

2. Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of an initial plat investigation, as referenced in the Land Division Act, P.A. 288 of 1967, as amended.

B. Condominium Site Plan Review

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of a condominium site plan by the Planning Commission. The plan shall include all information required by Section 14.04 B, Condominium Site Plan Requirements.

The Planning Commission shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Section 17.01C, Site Plan Review Procedure, and the standards for approval specified in Section 17.01L, Standards for Site Plan Approval.

For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as referenced in the Land Division Act, P.A. 288 of 1967, as amended.

1. **Effect of Approval.** Approval of a condominium site plan shall mean that the plan meets the requirements of this Ordinance and other applicable Monroe Charter Township regulations, subject to any conditions imposed by the Planning Commission as part of its motion of approval.

2. **Effect of Denial**. A denial shall mean that the condominium site plan does not meet the requirements of this Ordinance and other applicable Township regulations. Any motion of denial shall specify the reasons for the denial and those requirements that are not met.

3. **Expiration of Approval**. Condominium site plan approval shall be valid for a period of 24 months from the date of Planning Commission approval. Upon written request from the applicant, one (1) extension of up to 365 days may be granted if the approved condominium site plan adequately represents current conditions on and surrounding the site.

C. Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to submittal for Site Plan review. Proof of submittal of preliminary plans to all outside agencies is required prior to preliminary site plan review by the Planning Commission.

D. Condominium Construction Plans

Prior to receiving a permit for construction of any improvements to the land, each condominium project shall be subject to administrative review and approval of a condominium construction plan by the Building Official and/or Township Engineer. When it is determined that the site design or improvements shown on the construction plan have been materially altered from that shown on the approved condominium site plan, such plans shall be submitted to the Planning Commission for review and approval as an amended site plan.

1. For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as referenced in the Land Division Act, P.A. 288 of 1967, as amended.

2. A condominium construction plan application shall be reviewed and acted upon in accordance with the review procedures and standards specified in Section 17.01E, Construction Plans.

3. Following construction plan approval, the Building Official may issue applicable permits for construction.

Section 14.04 Required Plan Information

A. Conceptual Condominium Plan Requirements

The following information shall be included with a conceptual condominium site plan:

1. **Ownership interest**. Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
2. **Proposed use**. The proposed use(s) of the condominium project.
3. **Density**. The total acreage of the condominium site, acreage set aside for road rights-of-way, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
4. **Circulation**. The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) for private ownership or dedication to the public.
5. **Road layout**. The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
6. **Unit lot orientation**. The proposed layout of structures, unit lots, parking areas, open space and recreation areas.
7. **Drainage**. Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
8. **Natural features**. Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.

B. Condominium Site Plan Requirements

The following information shall be included with a condominium site plan:

1. **Site plan information**. All information required for a site plan review, as specified in Section 17.01M, Required Information for Site Plans. For condominium subdivision (site condominium) developments, all information required for preliminary plat approval shall be provided on the condominium subdivision plan.
2. **Condominium restrictions**. All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
3. **Common areas defined**. Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.
4. **Documents**. The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Township review when submitting for site plan review.
5. **Additional information**. The following additional information shall be submitted for Township review:
   a) Cross sections of roads, driveways, sidewalks, and other paved areas.
   b) Details of any proposed sanitary, storm, and water system improvements.

c) Preliminary approval by the Township Engineer and the appropriate County agencies having jurisdiction.

d) All condominium documents as defined in this Ordinance.

e) All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.

C. Condominium Construction Plan Requirements

The following shall be submitted to the Township as part of any construction or engineering plans for a condominium project:

1. **Revised Pan**. A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.

2. **Outside Agency Approvals**. Verification of all required state and county approvals or comments pursuant to Section 14.03C, Outside Agency Permits or Approvals.

3. **Section 71 Comments**. Presentation of all comments pursuant to Section 71 of the Condominium Act, P.A. 59 of 1978, as amended.

4. **Condominium Documents**. Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium construction plan (Exhibit B).

Section 14.05 Project Standards

The following standards are applicable to condominiums:

A. Use Standards

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

B. Subdivision Requirement.

The substantive requirements for roads, utilities, storm drainage, lots, and other improvements necessary to serve the development, as referenced in the Land Division Act, P.A. 288 of 1967, as amended, shall apply to all condominium subdivision (site condominium) projects.

C. Setbacks

The setback requirements of the underlying zoning district, as specified in Article 5, Schedule of Regulations, shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of the condominium lot or road right-of-way line to the nearest part of the structure or building envelope.

D. Utility Connections

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems, where such services are available. Private well or septic services shall conform to county and state requirements, and proof of permits and approvals for such facilities shall be provided to the Township.

E. Roads and Access

The internal circulation system shall provide adequate means of access and circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned public and private roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the engineering standards of Monroe County.

2. **Pedestrian pathways.** To provide access to all common areas and uses, the Planning Commission may require any of the following pedestrian facilities to be provided within and through a condominium development:

   a) Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving a condominium development.

3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission may require a traffic impact study, per Section 9.12, Traffic Impact Studies.

F. Infrastructure and Other Site Improvements

Drainage and utility facilities and improvements shall meet or exceed applicable Township, county, and state requirements.

1. **Underground utilities.** Utilities serving the development shall be installed underground, except where the applicant demonstrates to the Planning Commission's satisfaction that underground installation is impractical or cost prohibitive.

2. **Stormwater management.** Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's natural features. Stormwater basins shall be designed to emulate a naturally formed or free form depression. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative, in the determination of the Planning Commission.

G. Conversion Condominiums

All conversion condominium projects shall be subject to the dimensional requirements of the Zoning Ordinance and shall require site plan approval by the Planning Commission prior to the occupancy of any unit converted to a condominium unit. The site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site changes. The Planning Commission shall review the site plan for a condominium conversion in the same manner as a new development on the site.

Section 14.06 Monuments

All condominium subdivision (site condominium) projects shall be clearly marked with monuments placed in the ground as follows:

A. Materials

Monuments shall be made of solid iron or steel bars or pipes at least one-half (½) inch in diameter and 18 inches long, or other markers approved by the Township. The Township may require monuments to be completely encased in concrete at least four (4) inches in diameter.

B. Location

Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of roads and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.

1. **Reference.** If a required monument location is inaccessible or impractical, a reference monument shall be placed nearby with the precise location clearly indicated on the plans and referenced to the true point.
2. **Steel rods.** If a monument point is required to be on a bedrock outcropping or other hard surface, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted to a depth of at least eight (8) inches.
3. **Set at grade.** All required monuments should be placed flush with the surrounding grade where feasible.
4. **Condominium unit corners.** Permanent field monuments shall identify each site condominium unit corner, as defined by reference to appropriate condominium project monuments.

C. Timing

The Township Board may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits a performance guarantee with the Zoning Administrator in an amount sufficient to cover the costs for placing such monuments and markers, subject to the requirements of Section 18.203, Fees and Performance Guarantees.

The period shall not exceed 365 days after the date of condominium construction plan approval. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to forfeiture of the performance guarantee, and completion of the placement under the direction of the Zoning Administrator.

D. Proof of Inspection

Upon completion of the setting of monuments as required by this Section, the applicant or developer shall submit a report to the Code Enforcement Officer from a licensed, independent surveyor.

1. The report shall include proof of inspection and verification of all monument locations.
2. The Township reserves the right to establish and maintain a list of approved surveyors, and may conduct additional inspections to verify the report's findings.

E. Unit Sales

Upon completion and approval of the Final Condominium site plan and documents and prior to the sale of units, all units shall be numbered at the road.

Section 14.07 Post Construction Requirements

A. Document Submittals

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Township:

a) Two (2) copies of the recorded Master Deed and all restrictive covenants as approved by the Township Attorney.

b) One (1) mylar copy and five (5) prints of the project site plan and an "as built survey," sealed by a licensed professional engineer, landscape architect or similar certified professional.

c) One (1) copy of the project site plan and an "as built survey" in an electronic format acceptable to the Township.

2. The Code Enforcement Officer or Building Official may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Township to do so.

3. The developer or proprietor shall also record all condominium documents and exhibits with the Monroe County Register of Deeds office in a manner and format acceptable to the County.

B. Plan Revisions

If the condominium construction plan [Exhibit B, as required by the Condominium Act, P.A. 59 of 1978, as amended] is revised, the revised plan shall be submitted to the Township for review and approval in accordance with Section 17.01J, Revisions to Approved Site Plans.

C. Amended Documents

Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission for review and approval. The Zoning Administrator may also submit the documents to the Township Attorney and designated Township consultants for review and comment.

D. Condominium Site Plan Expiration

Condominium site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plan remains in conformance with all applicable provisions of this Ordinance.

E. Rescinding Approval of a Condominium Site Plan

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 17.01I, Rescinding Site Plan Approval.

Article 15

PLANNED DEVELOPMENT DISTRICT (PD)

Section 15.01 Intent

It is the intent of this Article to allow the use of the planned development process authorized by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended as an optional method of development for review and approval. This Article has been established for the purpose of:

- Encouraging the use of land in accordance with its character and adaptability;
- Conserving natural resources, natural features, and open space;
- Encouraging innovation in land use planning;
- Providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of this Township;
- Ensuring compatibility of design and use between neighboring properties; and,
- Encouraging development and redevelopment that is consistent with the Township's Master Land Use Plan.

The provisions of this Article are intended to result in land development substantially consistent with zoning standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable standards of this Ordinance as applied to a particular site and development project.

Section 15.02 Eligibility Criteria

To be eligible for planned development approval, the applicant must demonstrate that the following criteria will be met:

A. Recognizable and Substantial Benefit
The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.

B. Minimum Frontage and Size
Any planned development shall have minimum frontage of 200 feet along a public street or road. The minimum area of a parcel that is developed as a planned development (PD) shall be 10,000 square feet.

C. Availability and Capacity of Public Services
The proposed type and density of use shall not exceed the capacity of existing public services, facilities, and utilities.

D. Compatibility with the Master Plan
The proposed development shall be consistent with the Township's Master Plan. Notwithstanding this requirement, the Township may approve a Planned Development proposal that includes uses that are not proposed on the Future Land Use Map, provided that the Planning Commission and Township Board determine that such deviation is justified by the current planning and development patterns of the Township.

E. Compatibility with the Planned Development Intent
The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 15.01, Intent.

F. Economic Impact

The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance, or planned in the adopted Township Master Plan.

G. Unified Control of Property

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Administrator and a unified ownership remains.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed by the applicant as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors (such as a Homeowners Association). These legal documents shall bind all development successors in title to any commitments made as a part of the documents.

Section 15.03 Project Design Standards

Proposed planned developments shall comply with the following project design standards:

A. Location

A Planned Development (PD) zone may be approved in any zoning district in the Township subject to review and approval as provided herein.

B. Permitted Uses

Any land use authorized in this Ordinance may be included in a planned development as a principal or accessory use, provided that public health, safety, and welfare are not impaired. The Planning Commission may recommend and Board of Trustees may approve a mix of land uses pursuant to Section 15.03F, Permitted Mix of Uses.

C. Applicable Base Regulations

Unless otherwise waived or modified as part of an approval in accordance with Section 15.03D, Regulatory Flexibility, all yard and dimensional standards, parking, loading, landscaping, lighting, and other standards for the districts listed below shall be applicable for uses proposed in a planned development zone:

1. Single-family residential uses shall comply with the regulations applicable in the R-1, Low Density Residential District.
2. Multiple family residential uses shall comply with the regulations applicable in the R-4 Multiple Family Residential District.
3. Retail commercial uses shall comply with the regulations applicable in the C-1, Local Commercial District.
4. Industrial uses shall comply with the regulations in the L-I, Light Industrial District.
5. Mixed uses shall comply with the regulations applicable for each individual use.

D. Regulatory Flexibility

To encourage flexibility and creativity consistent with the planned development concept, departures from zoning regulations may be permitted, subject to review and recommendation by the Planning Commission and approval by Board of Trustees. For example, such departures may include, but shall not be limited to modifications to:

- minimum lot dimensions
- floor area standards
- setback requirements

E. Parallel Plan

1. **Residential Planned Development**. In no case shall the density of dwelling units within an approved Planned Development exceed the density that would be allowable for the zoning district for which the zoning amendment is requested (underlying zoning). The number of residential dwelling units shall be determined in the following manner:

   The applicant shall prepare, and present to the Planning Commission for review, a parallel design plan for the proposed project that complies with State, County, and Township requirements and design criteria for a tentative preliminary subdivision plat, fully consistent with Public Act 288 of 1967, Land Division Act, as amended, the Township subdivision control regulations and/or Article 14, Condominium Regulations. The Planning Commission shall review the design and determine the number of dwelling units that could be feasibly constructed if the parallel design for the underlying district were constructed. This number, as determined by the Planning Commission, shall become the maximum number of dwelling units allowable within the planned development project.

2. **Multi-Family Residential Planned Development**. A multi-family planned development shall be submitted that complies with standards for the R-4 district. The Planning Commission shall review the design of all plans submitted and, based upon typical review criteria, determine the maximum number of dwelling units that could be feasibly constructed on the site. A total number of units, as approved by the Planning Commission, shall become the maximum number of dwelling units allowable within the planned development site.

3. **Non-residential District Planned Development.** Nonresidential developments shall submit plans that comply with site plan review standards. The Planning Commission shall determine the appropriate intensity of development for the site. The Planned Development shall not exceed the intensity of the parallel plan.

F. Permitted Mix of Uses

Where the existing underlying zoning district is residential, nonresidential uses may be permitted as part of a planned development that also contains a residential component at the sole discretion of the Planning Commission and Township Board, provided that the applicant demonstrates that the residential uses will be predominant. The Planning Commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and, building area allocated to each use.

G. Open Space Requirements

Planned developments containing a residential component shall provide and maintain usable open space at no less than 35 percent of the gross area of the site. Any pervious land area

within the boundaries of the site may be included as required open space, except for land contained in public or private street rights-of-way.

The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

1. Provide for maintenance of the privately owned open space by private property owners with an interest in the open space.
2. Provide maintenance standards and a schedule.
3. Provide for assessment of the private property owners by the Monroe Charter Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

H. Frontage and Access

Planned developments shall front onto a major thoroughfare or public collector street, as specified in the adopted Township Master Plan, except where the planned development involves reuse or redevelopment of at least one (1) existing structure or redevelopment of a brownfield site.

Construction of private drives or secondary roads as a means of providing access to a public road shall be permitted in accordance with the standards and requirements of the Township and the Monroe County Road Commission specifications for subdivision roads.

Individual residential units in a planned development shall not have direct access onto a major thoroughfare or public collector street. The planned development shall be designed so the traffic generated by non-residential uses is discouraged from traveling on residential streets.

I. Utilities

All new utilities serving a planned development, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.

J. Privacy for Dwelling Units

The design of a planned development shall provide visual and sound privacy for any and all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

K. Emergency Access

The configuration of buildings, driveways, and other improvements shall allow convenient and direct emergency vehicle access.

L. Pedestrian and Vehicular Circulation

A pedestrian circulation system shall be provided throughout the project that is insulated from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing streets, sidewalks, and bicycle pathways in the vicinity of the site.

M. Phasing

Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on it own in terms of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned development and residents of the community.

1. A narrative description of the phased process that describes all work to be done in each phase shall be submitted to the Planning Commission.
2. A phase shall not be dependant upon subsequent phases for safe and convenient

vehicular and pedestrian access, open spaces or recreation facilities. Each phase shall be designed to provide a proportional share of the common open space required for the entire project.

Section 15.04 Application Data Requirements

Applications for planned development approval shall include all applicable data required for site plan review as specified in Section 17.01 and any other Township requirements. In addition, the application shall include the following:

A. Overall Plan for the Planned Development
The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other non-residential use; each type of open space; community facilities and public areas; and other types of land use.

B. Parallel Plan
The applicant shall submit a parallel plan consistent with the requirements of Section 15.03E, Parallel Plan.

C. Map and Master Plan Statement
A map and written explanation of the relationship of the proposed planned development to the Township's Master Plan.

D. Traffic Data
Sufficient information shall be provided to allow the Township to evaluate the impact of the proposed development on adjoining roads. The following traffic-related information shall be provided: estimates of the volume of traffic generated by each use, the peak hour volume of traffic expected to be generated by the proposed development, a schematic drawing indicating vehicular movement through the site including anticipated turning movements, and measures being proposed to alleviate the impact of the development on the circulation system.

E. Fiscal Impact
Analysis of the fiscal impact of the proposed planned development on the Charter Township of Monroe and the school district.

F. Market Study
Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety. This requirement may be waived by the Planning Commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.

G. Legal Documentation of Single Ownership or Control
The documentation shall be in the form of agreements, contracts, covenants, and deed restriction which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained at public expense will continue to be operated and maintained by the developers or their successors.

H. Schedule
A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.

I. Documents
A draft of ownership and governance documents. These documents shall include the following:

1. Deeds.
2. Warranties guaranteeing ownership conveyed and described in the deeds.
3. A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the planned development.
4. Association bylaws (for example, condominium association by-laws) that describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the planned development; and, the duties of individual shareholders to manage and maintain their own units.
5. Planned Development Agreement shall, at a minimum:
    - Incorporate by reference the final approved site plan
    - If open space or common areas are indicated in the project for use by the residents, the open space or common areas shall be conveyed in fee or otherwise committed by dedication to the residents, and the use shall be irrevocably dedicated for the use as open space for park, recreation, or other common uses.
    - Detail a program and related financing mechanisms for maintaining common areas, amenities and features, such as walkways, signs, lighting, and landscaping.
    - Assure that any natural features will be preserved as shown on the site plan.
    - Assure the financing for the construction and maintenance of all roadways and necessary utilities (including public water, waste water collection and treatment) through a performance bond or other mean, for any and all phases of the project. In the case of a phased project, this requirement shall be reviewed for compliance at the time of construction plan approval for each phase of the project.
    - Address any other concerns or conditions placed on the approval by the Planning Commission and Board of Trustees.

Section 15.05 Procedures and Requirements

A. Amendment Required

The approval of a planned development proposal shall require an amendment to the Zoning Ordinance to revise the Zoning Map and designate the subject property as "Planned Development." Approval of a planned development proposal, including all aspects of the final plan and conditions imposed on it, shall constitute and inseparable part of the zoning amendment.

Planned development applications shall be submitted in accordance with the following procedures:

1. The applicant shall first submit a planned development site plan. The plan shall be reviewed in accordance with zoning amendment procedures. The Planning Commission shall review the planned development plan site plan, hold a public hearing, and make a recommendation to the Township Board. The Township Board shall have the final authority to act on a planned development site plan and grant the requested planned development zoning.
2. Following approval of the planned development plan and rezoning to Planned Development (PD), the applicant shall submit a final site plan for review by the Planning Commission in accordance with normal site plan review procedures.

B. Summary of Review Procedures

A summary of the steps involved in the review of planned development applications follows:

	REVIEW PROCEDURES	SECTION
Step 1	Optional pre-application conference	15.05C
Step 2	Submit I conceptual review application	15.05D
Step 3	Planning Commission conceptual review (No Action)	15.05D
Step 4	Submit preliminary review application [Planning Commission]	15.05E
Step 5	Public hearing [Planning Commission]	15.05E 2
Step 6	Preliminary review/recommendation [Planning Commission]	15.05E 3
Step 7	Review/Recommendation forwarded to Monroe County	15.05E 4
Step 8	Preliminary review/rezoning [Township Board]	15.05E 5
Step 9	Submit final review application	15.05G
Step 10	Final site plan review and action [Planning Commission]	15.05G 2
Step 11	Final site plan review and action [Township Board]	15.05G 3

A detailed explanation of the review procedures follows:

C. Optional Pre-Application Conference

In order to facilitate review of a planned development proposal in a timely manner, it is recommended that the applicant request an informal pre-application conference with Township Staff and any consultants requested by the Township to be present. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials. The applicant shall present at such a conference or conferences, at minimum:

- A sketch plan of the proposed planned development;
- A legal description of the property in question;
- The total number of acres in the project;
- A statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use;
- The number of acres and percentage of site to be preserved as open or recreational space;
- All known natural resources and natural features to be preserved;
- Any requested deviations from existing zoning ordinance requirements;
- A parallel plan showing what development can be realized under the existing or proposed zoning per Section 15.03E.

No formal action is taken at a pre-application conference and is used as a means of consulting the applicant on the process and to give initial feedback on the proposed development from Township Staff. Fees for the pre-application conference shall be charged per the Township's adopted fee schedule.

D. Conceptual Review

Planned development projects are required to undergo a conceptual review process by the Planning Commission in order to facilitate a complete and thorough review prior to consideration. This requirement is deemed necessary because planned development projects are generally large or complex projects with higher intensity development that could have a major impact on surrounding land uses.

1. **Information Required for Conceptual Review**. The information required for conceptual review shall be provided according to the requirements of Section 15.05A of this Ordinance and shall be submitted to the Township.

2. **Effect of Conceptual Review**. The conceptual review **does not** constitute any form of approval of the planned development or the site plan. The process is intended to give the applicant an indication of the issues and concerns that must be resolved prior to submission for Preliminary Plan Review of the site plan for the planned development project.

E. Preliminary Plan Review

The preliminary site plan shall be subject to the site plan review requirements of this Ordinance, where applicable, as well as the additional requirements in this Section. The Preliminary Plan Review recommendation will constitute as a recommendation to the Township Board to approve, approve with conditions, or deny the rezoning of the property to PD, Planned Development District.

1. **Information Required for Preliminary Plan Review**. The information required for preliminary review shall be provided according to the requirements of Section 15.05. The application for preliminary PD review shall include a draft PD Agreement, which shall include terms and conditions of a PD approval, along with the following information: the preliminary PD application, concept plan, and draft PD Agreement.

2. **Public Hearing.** All planned development projects shall undergo a preliminary review that shall be undertaken by the Planning Commission at a duly called public hearing held pursuant to all applicable notice requirements. Notice shall be in compliance with Section 17.03 B, Public Hearing Procedures.

3. **Effect of Preliminary Review.** Based on the standards and requirements set forth in this Ordinance and in this Section, the Planning Commission shall preliminarily approve, preliminarily approve subject to conditions, or deny the proposed planned development project and site plan.

   a) **Effect of Preliminary Approval or Approval with Conditions.** A preliminary approval shall mean that the planned development project and plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, preliminary approval assures the applicant that the Planning Commission will recommend final approval if all of the following are met:

      (1) All state and county approvals are obtained;

      (2) No unresolved negative comments are received by any governmental agencies or public utilities;

      (3) Required conditions of preliminary review are met, and

      (4) All federal, state and local laws and ordinances are met.

      An unresolved negative comment shall be one that indicates that existence of a condition, which is contrary to the requirements of this Ordinance or other applicable ordinances, or laws, where such requirement has not been waived or dismissed as a result of an approval by the Planning Commission and Township Board.

   b) **Effect of Denial**. A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance or does not provide a recognizable and substantial benefit. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met.

   c) **Modification of Submittal.** If the Planning Commission determines that

revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next scheduled meeting of the Planning Commission for further review and possible action.

4. **Monroe County Planning Commission Review.** All applications for a PD zoning district will be forwarded to the Monroe County Planning Commission for review and comment per P.A. 110 of 2000, as amended. The County will have 30 days from receipt of the preliminary PD site plan to provide the Township with comments. If comments from the County have not been received after 30 days, the preliminary development plan is forwarded to the Township Board.

5. **Township Board Preliminary Plan Review**. Upon receipt of the report and recommendations from the Planning Commission on the preliminary PD plan and Monroe County Planning Department, the Board of Trustees shall take action to approve, approve with conditions, or deny.

F. Effect of Action of the Preliminary PD Plan

Preliminary PD plan approval is intended to provide direction for preparation of the Final PD site plan, but shall not assure approval of the Final PD site plan.

Preliminary PD site plan approval shall expire in 2 years after the date of approval, unless the Final PD site plan has been submitted to the Planning Commission for review. Upon written request, the Preliminary PD plan approval may be extended for 1 year by the Township Board upon determining that site conditions have not changed in a way that would effect the character, design, or use of the site, and that the approved Preliminary Plan remains in conformance with the purpose of provisions of this Article and the goals and objectives of the Master Plan. If the Township Board denies the Preliminary PD Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new Preliminary PD Plan for further consideration.

G. Final Site Plan Review

1. **State and County Approval.** All planned development projects shall require the review and approval of the following agencies prior to final site plan approval:

   a) The Monroe County Road Commission or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right- of-way of a state highway, the Michigan Department of Transportation;

   b) The Monroe County Drain Commissioner; and

   c) The Monroe County Health Department and the Michigan Department of Environmental Quality shall approve the fresh water system and the wastewater disposal system;

   d) Any other local, county, state or federal agency having jurisdiction over the project.

   In the event that negative comments are received from any of these agencies, the Planning Commission shall consider the nature of such comments with respect to Ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.

2. **Planning Commission Final Review and Recommendation.** Final approval shall be considered by the Planning Commission upon the receipt of all the information required for final review in Section 15.05G.

   a) **Final Approval by Planning Commission.** The Planning Commission shall review the application for planned development, together with the public hearing findings and any requested reports and recommendations from the Building Official, Township Planner, Township Public Safety officials, Township Engineer, and other reviewing agencies. The Township Attorney shall review and comment on the proposed Planned Development Agreement. The Planning Commission shall then make a recommendation to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

      (1) **Approval.** Upon determination by the Planning Commission that the final plan for planned development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.

      (2) **Approval with Conditions.** The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a planned development, to the extent authorized by law, for the purposes of ensuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be necessary to meet the intent and purpose of this Ordinance and the standards set forth in Section 15.03, In the event that the planned development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in Section 15.05N.

      (3) **Phased Plan Approval**. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 17.01, Site Plan Review provided that:

         (a) The location and approximate size of such buildings shall be shown on the overall plan for the planned development.

         (b) Detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 17.01.

         (b) A performance bond or other financial guarantee in an amount sufficient to install all public improvements for all phases of the project, and

         (d) Phasing requirements in this Ordinance shall be complied with.

(4) **Denial.** Upon determination by the Planning Commission that a planned development proposal does not comply with the standards and regulations set forth in this Ordinance, including Section 15.03, and does not create a recognizable and substantial benefit, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.

3. **Township Board Final Site Plan Review.** The Township Board shall review the final plan and a proposed Planned Development Agreement, together with the findings of the Planning Commission, and, if requested, any reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the Township Board shall approve, approve with conditions, or deny a planned development proposal in accordance with the guidelines described previously in Section 15.05G.

a) **Planned Development Agreement.** If the Township Board approves the Planned Development proposal, the Township and applicant shall execute the Planned Development Agreement. The applicant shall record the PD agreement in the office of the Monroe County Register of Deeds.

b) **Effect of Approval.** Approval of a planned development proposal shall constitute an amendment to the Official Zoning Map. All improvements and use of the site shall be in conformity with the planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in P.A. 110 of 2006, as amended. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned development unless an amendment thereto is adopted by the Township upon request of the applicant or his successors.

H. Recording of Planning Commission and Township Board Action

Each action taken with reference to a planned development shall be duly recorded in the minutes of the Planning Commission or Township Board as appropriate. The grounds for the action taken shall also be recorded in the minutes.

I. Permits Required

Following final approval of the planned development proposal, a building permit may be obtained for the entire project or specific phases provided that final site plan approval for the project or the phase, as applicable, has been obtained in accordance with Section 15.05 G, and provided further that the engineering plans for the project or the phase, as applicable, have been approved by the Township Engineer and Building Official. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.

J. Project Commencement

Construction shall commence on the project within 24 months of final approval. The Township Board may issue a 12 month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site.

K. Performance Guarantee

A performance guarantee shall be deposited with the Township to ensure faithful completion of all improvements, in accordance with Section 18.203.

L. Zoning Board of Appeals Authority

The ZBA shall have no authority to consider any appeal of a decision by the Board of Trustees or Planning Commission concerning a planned development application.

M. Expiration of Planned Development Approvals

If construction has not commenced within 24 months of publication of the PD zoning amendment, any and all approvals become null and void and a new application for planned development shall be required. The Board of Trustees may grant a 12-month extension, following a written request from the applicant, if the Board of Trustees finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for a time extension must be received prior to the site plan expiration date. In the event that an approved planned development plan becomes null and void, the Planning Commission shall initiate proceedings to amend the zoning classification of the site.

N. Revision to Approved Plans

1. **General revisions.** Changes to the approved planned development plan that are not considered minor by the Zoning Administrator or designated Township agent shall be reviewed in accordance with the procedures set forth in Section 15.05E for approval of a new PD proposal.

2. **Minor changes.** Minor changes may be approved by the Zoning Administrator or designated Township agent, subject to a finding that:

   a) The proposed changes will not affect the initial basis upon which initial approval was granted.

   b) The proposed minor changes will not adversely affect the overall planned development in light of the intent and purposes of such development as stated in Section 15.01.

   c) The proposed changes will not affect the character or the intensity of use, the general configuration of buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.

   Examples of minor changes include, but shall not be limited to additions or alteration to the landscape plan or landscape materials; alterations to the internal layout of an off-street parking lot, provided that the total number of spaces does not change; relocation of a trash receptacle changes in locations or tree types on an approved landscape plan, or location of designated parking spaces; or an increase in floor area of less than 20 percent of the initial total floor area, up to 5,000 square feet maximum.

Section 15.06 Rescinding Approval of a PD

Approval of a planned development may be rescinded by the Township Board upon determination that the approved PD plan or PD agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, approved PD plan or PD agreement. Such action shall be subject to the following:

A. Public hearing

Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 17.03, Public Hearing Procedures, at which time the developer of the PD project, the owner of an interest in land for which PD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

B. Determination

Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

Article 16
NONCONFORMITIES

Section 16.01 Intent and Purpose

Nonconformities are uses, structures, buildings, or lots that do not conform to one or more provisions or requirements of the Zoning Ordinance or to any subsequent amendment, but which were lawfully established prior to the time of adoption of this Ordinance or amendment. Such nonconformities are not compatible with the current uses allowed in the district where they are located. It is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this Article is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which the nonconformities shall be permitted to continue.

The following table summarizes the nonconforming regulations contained in this Article:

Summary of Nonconforming Regulations	
Issue	**Requirement**
Period of non-use before nonconforming use must cease	180 days
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Substitution of one nonconformity for another	Permitted under certain conditions
Nonconforming contiguous lots under same ownership	Must be combined
Expansion of nonconformity use within building	Permitted subject to conditions
Expansion of nonconformity use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted
Maintenance, structure repairs	Generally permitted
Renovation, modernization	Maximum cost = SEV
Rebuilding after catastrophe	Permitted if damage is less than pre-catastrophe SEV

Section 16.02 General Regulations

The following regulations shall apply to all nonconforming uses, structures, buildings, and lots:

A. Continuation of Nonconforming Uses, Structures, and/or Buildings

A nonconforming use may be continued and shall not be considered to be in violation of this Ordinance, provided that the use, structure, and land involved shall neither be structurally altered nor enlarged, unless otherwise permitted by this Ordinance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoration of any nonconforming structure or part thereof to a safe condition when said structure is declared to be unsafe by an order of an official charged with protecting the public safety.

B. Buildings Under Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any structure on which physical construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and upon which actual building construction has been diligently continued. Physical construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner.

Where demolition or removal of an existing structure has been initiated preparatory to rebuilding or permanent construction, such work shall be deemed to be physical construction, provided that such work shall be continued diligently until completion of the structure involved.

C. Discontinuation of Nonconforming Uses

If any nonconforming use is discontinued, abandoned or ceases for any reason for a period exceeding 180 calendar days, any subsequent use of such land or structures and land in combination shall conform to the provisions set forth of the zoning district in which it is located. In applying this sub-section to uses that are typically seasonal in nature, any time related to the off-season for the use shall not be counted. However, the Zoning Board of Appeals may grant a one year extension if the applicant has the intention to reinstate the nonconforming use.

D. Recording of Nonconforming Uses and Structures

The Code Enforcement Officer shall be responsible for making determinations as to the existence of legal nonconforming uses and structures, and for maintaining a record of such uses and structures. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to make such determinations may result in denial of required or requested permits.

E. Establishment of a Conforming Use or Structure

If a nonconforming use or structure is superseded by a conforming use or structure, the nonconformity shall be deemed to be immediately and permanently removed.

F. Change of Tenancy or Ownership

A change of tenancy, ownership or management of any existing nonconforming use or structure shall be permitted, provided there is no change in the nature or character of such nonconformity, which shall otherwise be maintained in compliance with this Ordinance.

G. Exceptions and Variances

Any use or structure for which an exception or variance has been granted shall not be deemed a nonconformity. Where a future amendment to this Ordinance causes a nonconforming situation regarding the exception or variance, the use or structure shall be deemed nonconforming as of the effective date of the Ordinance amendment.

Section 16.03 Nonconforming Structures

Nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

A. Expansion Restricted

A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify nonconformity shall be prohibited.

B. Normal Repairs and Maintenance

Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure, and provided that the cost of such

improvements does not exceed the State Equalized Value of the structure at the time such work is proposed.

1. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance, or is declared by the Building Official unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

2. This Article shall not prevent work required for compliance with the provisions of the State Construction Code enforced by the Township.

C. Buildings under Construction

Nothing in this Article shall require a change in the plans, construction or designated use of any building or structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that such work shall be completed within 180 calendar days of the effective date.

D. Damaged or Unsafe Structures

Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, provided that the expense of such reconstruction shall not exceed the State Equalized Value of the structure immediately prior to the damage.

1. Application for a building permit for such reconstruction shall be made within 180 calendar days of the date of such damage, and all work shall be completed within the building permit approval period.

2. The lot and damaged structure shall be adequately secured from unauthorized access to the Building Official's satisfaction.

3. Where pending insurance claims require an extension of time, the Building Official may grant one (1) extension of up to 180 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.

4. Nonconforming structures that have been condemned or otherwise declared unsafe or uninhabitable by an authorized agent of the Township shall not thereafter be restored, repaired or rebuilt except in conformance with the standards of this Ordinance.

5. Nonconforming single-family dwellings and its customary accessory structures shall be exempt from this Section, provided that application for a building permit shall be made within 180 days from the date of damage or destruction.

Section 16.04 Nonconforming Lots

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

A. Lot Division

A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots.

B. Use of Nonconforming Lots

Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located, and the following:

1. **Single-Family Residential Districts.** A single-family dwelling and its customary accessory structures may be erected on an existing lot of record that is

nonconforming with respect to minimum lot area or lot width requirements, subject to the following:

a) Such structures and uses are permitted in the district.

b) Such structures and uses shall conform to all other zoning district dimensional standards.

c) Public water and sanitary sewer service, or a potable water supply and wastewater disposal system approved by the Monroe County Health Department, shall be provided to the dwelling.

C. Nonconforming Contiguous Lots

If two or more lots or combination of lots with contiguous frontage in single ownership are on record at the time of adoption or amendment of this Ordinance, and if all or parts of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be a single parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot width or area less than the requirements stated in the Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.

Section 16.05 Nonconforming Sites

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.

2. The proposed site improvements shall resolve public safety deficiencies, including Fire Code and State Construction Code violations, emergency access, and pedestrian/vehicle conflicts.

3. The proposed site improvements shall address at least two (2) of the standards specified in Section 17.01L, Standards for Site Plan Approval.

4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other improvements.

5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

Section 16.06 Nonconforming Use Determinations

This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. The Code Enforcement Officer shall be responsible for determining whether a use is conforming, nonconforming or unlawful in the zoning district where it is located. When there is a question or dispute about the status of a particular use, such determinations shall be made by the Zoning Board of Appeals, subject to the following:

A. Standards for Determining that a Use is Nonconforming

The Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. The use does not conform to the purpose and use regulations of the district where it is located.
2. The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.
3. Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:
   a) Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
   b) Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
   c) Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
   d) Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
   e) Dated aerial photos from the State of Michigan, Southeastern Michigan Council of Governments (SEMCOG), Monroe County or other sources accepted by the Zoning Board of Appeals.
   f) Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

B. Standards for Determining that a Nonconforming Use has Ceased

The Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

1. Local, county or state government files or records show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
2. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.

3. Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
4. Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
5. Dated aerial photos from State of Michigan, Southeastern Michigan Council of Governments (SEMCOG), Monroe County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use has ceased.
6. Other relevant information shows that the nonconforming use has ceased. Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

Section 16.07 Unlawful Uses

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Ordinance.

Section 16.08 Cessation of Nonconformities by Township Action.

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.

Article 17
PROCEDURES AND STANDARDS

Section 17.01 Site Plan Review

A. Purpose

The site plan approval procedures of this Section are instituted to provide an opportunity for the Monroe Charter Township Planning Commission to review the proposed development, alteration, and use of a site in relation to drainage, pedestrian and vehicular circulation, parking, structural relationships, utilities, screening, accessibility, and other site design elements. The purpose of this Section is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances.

Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Article to protect natural resources, minimize adverse impacts on adjoining or nearby uses and land, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's Master Plan.

B. Site Plan Approval Required

Site Plan approval shall be required from the Planning Commission for any building or structure totaling 2,000 or more square feet of all principal buildings, and/or for all additions in excess of 40 percent of all existing structures on approved sites, and/or where additions to existing structures exceed 2,000 square feet, and/or where there is a change in ingress and egress, sewer, water, parking, and/or environmental impact. The following development projects and uses shall require submission and approval of a site plan:

1. All special approval uses, subject to the provisions of Section 17.02, Special Uses.
2. All structures and uses in the AG, Agricultural, R-1, Low Density Residential, R-2, Medium Density Residential, R-3, High Density Residential, R-4, Multiple-family Residential, and R-5, Manufactured Housing Park Districts, other than:
    a) Farming and active agricultural uses, as defined in Section 2.02, Definitions.
    b) One (1) single-family dwelling and its customary accessory structures on a single residential lot of record.
    c) Family child day care homes in the AG, R-1, R-2, R-3 zoned districts, as licensed by the State of Michigan.
    d) Essential service and public utility facilities shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Charter Township of Monroe, it being the intention hereof to exempt such essential services from the application of this Ordinance, except buildings and towers.
3. All structures and uses in the Floodway or Floodway Fringe area located within 500 feet of the 100-year floodplain, as defined by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program, and Michigan Department of Environmental Quality (MDEQ).
4. All structures and uses of a non-residential nature in the M-U, Mixed Use district.
5. All structures and uses in the C-1, Local Commercial, C-2 General Commercial districts, and MD, Marina districts.

6. All structures and uses in the L-I, Light Industrial and H-I, Heavy Industrial districts.

7. Construction, expansion or alteration of a residential open space development subject to the provisions of Section 13.01, Residential Open Space Development Option.

8. Construction or expansion of farming, landscaping or recreation ponds, subject to the provisions of Section 8.145, Ponds for Farming, Landscaping, and Recreation.

9. Construction, expansion or alteration of a condominium development shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 14, Condominium Regulations.

10. Construction, expansion or alteration of a planned development (PD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 15, Planned Development (PD) district.

11. Construction, expansion or alteration of a wireless communications facility shall be subject to approval in accordance with the procedures and standards of Section 13.02, Wireless Communication Facilities.

12. Construction, expansion, or alteration of wind generator(s) shall be subject to approval in accordance with the procedures and standards of Section 8.160, Wind Generator(s)

C. Site Plan Review Procedure

Site plans shall be reviewed in accordance with the following:

1. **Application.** The owner of an interest in land for which site plan approval is sought and/or the owner's designated agent shall submit a completed application form and sufficient copies as determined by the Zoning Administrator of a site plan to the Township, along with appropriate review fees, as determined by Township Board. Site Plans and agency approvals must be submitted at least three weeks prior to placement on an agenda for consideration. All site plans must be signed and sealed. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.

2. **Technical Review.** The applicant shall distribute copies of the site plan and application to other local agencies or departments with jurisdiction for comment on any problems the plans might pose prior to submittal to the Township. Prior to Planning Commission consideration, the Zoning Administrator shall distribute copies of the site plan, any required agency reviews, and the application to designated Township officials and the Township consultants for review and comment. Agency approvals and Township consultants reviews must be received prior to Planning Commission consideration of the site plan.

3. **Planning Commission Consideration of the Site Plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from Township officials, the Township Planner, other Township consultants, and other reviewing agencies. The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 17.01L, Standards for Site Plan Approval. The Planning Commission is authorized to table, approve, approve subject to conditions or, deny the site plan as follows:

   a) **Tabling.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.

   b) **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require

extensive revisions to comply with said standards and regulations, the site plan shall be denied.

If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant or agent to attend two (2) or more meetings shall be grounds for the Planning Commission to deny site plan approval.

c) **Approval.** Upon determination that a site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.

d) **Approval Subject to Conditions.** The Planning Commission may approve a site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances, or approvals from other agencies.

4. **Recording of site plan action.** Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, and conditions or grounds for the Planning Commission's action.

a) After the Planning Commission has taken final action on a site plan, and any required administrative reviews are completed, the Zoning Administrator shall clearly mark three (3) copies of the site plans APPROVED or DENIED, as appropriate, with the date that action was taken.

b) One (1) marked copy will be returned to the applicant and remaining copies shall be retained by the Township per State of Michigan retention guidelines.

D. Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to Planning Commission submittal.

E. Construction Plans

Where detailed construction or engineering plans are required by the Township, Monroe County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Building Official for review. The Building Official or designated Township consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.

Construction or engineering plans that are not consistent with the approved site plan shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.

F. Approval of Phased Developments

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

1. The site design and layout for all phases and outlots shall be shown on the site plan to ensure proper development of the overall site.

2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independently of any improvements planned for later phases.

3. Each future phase shall be subject to a separate site plan review by the Planning Commission, and shall be required to meet all applicable Ordinance standards effective at the time of such review.

G. Site Plan Resubmission

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements, review fees, and approval procedures as a new application for site plan approval.

H. Expiration of Site Plan Approval

Site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to one (1) year, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

I. Rescinding Site Plan Approval

Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 17.03, Public Hearing Procedures, at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

J. Revisions to Approved Site Plans

The Zoning Administrator may administratively review minor revisions to an approved site plan or forward such plans to the Township Consultants for a determination, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Zoning Administrator to be minor shall be reviewed by the Planning Commission as an amended site plan.

K. Compliance with an Approved Site Plan

It shall be the responsibility of the landowner, and the owner or operator of the use(s) for whom site plan approval has been granted, to develop, improve and maintain the site, including the use, structures, and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Planning Commission, Township Engineer, Board of Trustees or Zoning Administrator may require that an irrevocable performance guarantee be deposited with the Township Treasurer, subject to the standards of Section 18.203, Fees and Performance Guarantees. The amount of the performance guarantee shall be determined by the Township Engineer.

L. Standards for Site Plan Approval

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

1. **Adequacy of Information.** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.
2. **Site Appearance and Coordination.** The site is designed in a manner that promotes the normal and orderly development of surrounding lands, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientation, and pedestrian access.
3. **Preservation of Site Features.** The site design conserves natural features to the extent feasible. Such features may include wetlands, topography, tree rows and hedgerows, wooded areas, and significant individual trees.
4. **Access and Circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site. In addition, adequate pedestrian access has been provided, which is in compliance with barrier-free access standards.
5. **Parking and Loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
6. **Landscaping and Screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential uses and public rights-of-way.
7. **Exterior Lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
8. **Impact upon Public Services.** The impact upon public services (including utilities, streets, police and fire protection, public schools and public sidewalks/pathways) will not exceed the existing or planned capacity of such services.
9. **Drainage and Soil Erosion.** Adjoining lakes, rivers, streams, lots, and road rights-of-way will not be adversely impacted by stormwater runoff and sedimentation.
10. **Emergency Access and Vulnerability to Hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.

M. Required Information for Site Plans

The following information shall be included with all site plan review applications, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

Minimum Required Site Plan Information	
SITE PLAN DESCRIPTIVE INFORMATION	
Name, address, telephone and facsimile numbers of the applicant (and landowner, if different from applicant) and firm or individual preparing the site plan; and the property location (address, lot number, tax identification number). **Plans must be signed and sealed**.	❑
Existing and proposed use(s) and existing zoning of the land and surrounding parcels (including across road rights-of-way).	❑
Location, dimension of buildings and structures within 100 feet of the property lines.	❑
Address, legal description, and tax identification number of the parcel, with the gross and net land area.	❑
SITE PLAN DATA AND NOTES	
Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.	❑
Location map with north-arrow.	❑
Size and dimensions of proposed and existing structures, including gross and usable floor area, number of stories, and overall height.	❑
Calculations for parking, residential density or similar Ordinance requirements.	❑
EXISTING CONDITIONS	
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains, and wetlands, with surface drainage flow directions, include significant trees and wooded areas.	❑
Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	❑
Existing site features, including significant natural and historical features, structures, driveways, fences, walls, signs, and other improvements with notes regarding their preservation or alteration.	❑
SITE PLAN DETAILS	
Location, dimensions, setback distances, and use(s) of all proposed improvements.	❑
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.	❑
Identification of areas involved in each separate phase, if applicable.	❑
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding; include a photometric plan that shows footcandles at the lot lines.	❑
Locations and methods of screening for any waste receptacles; ground-mounted generators, transformers, and mechanical (HVAC) units; and similar devices.	❑

Minimum Required Site Plan Information	
Outdoor sales, display or storage locations and method of screening, if applicable.	❑
BUILDING DETAILS	
Building façade elevations for any proposed principal building, drawn to an appropriate scale, dimensioned, and indicating height of building, type and color of building materials.	❑
Building floor plans.	❑
ACCESS AND CIRCULATION	
Dimensions and centerlines of existing and proposed rights-of-way, names of abutting streets, and the dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.	❑
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	❑
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location and dimension of loading areas.	❑
SCREENING AND LANDSCAPING	
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, the location, size and type of any existing plant materials that will be preserved, and methods of irrigation with source of water.	❑
Plant list for proposed landscape materials, with quantities, sizes, and heights of proposed plant materials; botanical and common names; and methods of installation.	❑
Landscape maintenance plan, including notes regarding on-going replacement of dead or diseased plant materials.	❑
Proposed fences, walls or other screening devices, including typical cross-section, materials and height above grade.	❑
UTILITIES, DRAINAGE, AND ENVIRONMENTAL INFORMATION	
Grading plan, with existing and proposed topography at a minimum of two (2) foot contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	❑
Detailed engineering data on location and size of proposed utilities and surface drainage facilities, including proposed connections to public sewer and water systems	❑
ADDITIONAL REQUIRED INFORMATION	
Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Township's Master Plan.	❑

Section 17.02 Uses after Special Approval

A. Purpose

This Section provides procedures and standards for special uses of land or structures that because of their unique characteristics require special consideration in relation to the welfare of adjacent properties and the community as a whole. Special uses include those uses that:

1. Serve an area, interest or purpose that extends beyond the borders of the Township;
2. Create particular problems of control in relation to adjoining uses or districts;
3. Have detrimental effects upon public health, safety or welfare; or
4. Possess other unique characteristics that prevent such uses from being appropriate in all locations as a principal use permitted by right in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Master Plan.

B. Application Requirements

Special use applications shall be submitted in accordance with the following:

1. **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant.
2. **Application.** Special use applications submitted to the Township shall include the following information:
   a) Contact information for the applicant and landowner, and proof of ownership. If the applicant leases the property, the owner's signed and dated authorization for the application shall be provided.
   b) Address, location and tax identification number of the parcel.
   c) A detailed description of the proposed use.
   d) A site plan, as required by Section 17.01, Site Plan Review.
   e) Appropriate review fees, as determined by the Township Board of Trustees.
   f) Any other information deemed necessary by the Zoning Administrator or Planning Commission to determine compliance with this Ordinance.

C. Special Use Review Procedure

Special use applications shall be shall be reviewed in accordance with following procedures:

1. **Coordination with Site Plan Review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
2. **Technical Review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
3. **Public Hearing.** A public hearing shall be held for all special uses in accordance with Section 17.03, Public Hearing Procedures.

4. **Planning Commission Consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, the Township Planner, other Township consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 17.02H, Standards for Special Use Approval. The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special use as follows:

   a) **Tabling.** Upon determination by the Planning Commission that a special use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.

   b) **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 17.02H, Standards for Special Use Approval, or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special use.

   c) **Approval.** The special use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 17.02H, Standards for Special Use Approval. Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.

   d) **Approval Subject to Conditions.** The Planning Commission may approve a special use subject to reasonable conditions:

      (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole; or

      (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or

      (3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special use under consideration, and necessary for compliance with those standards.

   e) **Recording of Special Use Action.** Planning Commission action on the special use shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; and the grounds for the Planning Commission's action. The Zoning Administrator shall keep one (1) copy of the written record on file in the Township, and shall forward one (1) copy to the applicant as evidence of special use approval and also give the effects of the approval.

   f) **Effect of Approval.** Special use approval runs with the land. As long as the use remains as approved, a change of tenant or owner will not affect the special approval. An expansion of use or change of the use shall require new special use approval.

D. Resubmission after Denial

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

E. Appeals of Special Use Decisions

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Planning Commission.

F. Expiration of Special Use Approval

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 365 days, provided that the approved special use conforms to current Zoning Ordinance standards.

G. Rescinding Special Use Approval

Approval of a special use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 17.03, Public Hearing Procedures, at which time the operator of the use or owner of an interest in the land or structure(s) for which special use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

H. Standards for Special Use Approval

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **A Documented Need Exists for the Proposed use.** A documented need exists for the proposed use within the community.
2. **Compatibility with Adjacent Uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
3. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
4. **Compliance with Applicable Regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
5. **Impact upon Public Services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, drainage structures, refuse disposal, and availability or capacity of water and sewage facilities.
6. **Traffic Impacts.** The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.

7. **Detrimental Effects.** The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to public health, safety, and welfare.

   In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

8. **Isolation of Existing Uses**. Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

9. **Environmental and Public Health, Safety, and Welfare Impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage or other adverse impacts as set by state, federal or other agencies with jurisdiction.

I. Compliance with Special Use Approval

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Administrator or designee may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

Section 17.03 Public Hearing Procedures

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the following:

A. Special Use and Variance Requests

1. **Publication in a Newspaper of General Circulation**
   Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.

2. **Personal and Mailed Notice**
   a) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
   b) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property. If a single structure contains four or more dwelling units, notice may be given to the owner or manager for posting at the front entrance. Notice shall be given to owners or occupants of structures located in adjacent cities or townships. If the name of the occupant is not known, the term “occupant” may be used in making notification.
   c) All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or deposited for delivery with the U.S. Postal Service during normal business hours.

d) The Township shall prepare a list of property owners and occupants to whom notice was mailed or delivered.

3. **Content of Notice**

Any notice published in a newspaper or delivered by mail or personal delivery shall:

a) Describe the nature of the request.
b) Indicate the property that is the subject of the request.
c) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
d) When and where the public hearing will occur.
e) When and where written comments may be submitted concerning the request.
f) Include the places and times at which the proposal subject to the public hearing may be examined.

B. Zoning Ordinance Text and Map Amendments

1. **Map Amendments Affecting 10 or Fewer Parcels**. If the proposed map amendment is for an individual parcel or 10 or fewer parcels, notice shall be given as specified in Section 17.03. A. 1 and 2.

2. **Map Amendments Affecting 11 or More Adjacent Parcels**. If the proposed map amendment is for 11 or more adjacent parcels, notice shall be given as specified in Section 17.03.A.1, with the exception that the notice need not list street addresses of properties that will be included by the map amendment.

3. **Text Amendments.** A Text amendment notice shall be given as specified in Section 17.03 A.1.

4. **Notice to Other Entities**. Notice of the time and place of the public hearing shall also be given by mail to any electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name with the Township Clerk for the purposes of receiving notice of public hearings.

C. Additional Information

1. **Pre-Hearing Examination**

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

2. **Right to Submit Written Statements**

Any person may submit written comments about the subject and purpose of the hearing prior to the close of the business day on the day of the public hearing. Such statements shall be made a part of the public record of the hearing. Submitted written comments may also be received at the public hearing for inclusion in the public record.

3. **Timeframe for Hearings**

The public hearing shall be scheduled for a date not more than 90 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.

4. **Rights of All Persons**

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

5. **Adjournment**
The body conducting the hearing may at any time, on its own motion or at the request of the applicant or applicant agent, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information or for such other reasons that the body finds to be sufficient. Notice shall be posted of the adjourned hearing date, time, and place.

6. **Governance**
Applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing shall govern all other matters pertaining to the conduct of hearings.

Section 17.04 Amendments

The Township Board may, after recommendation from the Planning Commission, amend, supplement or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the following:

A. Initiation of Amendment
Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, or Zoning Administrator, or by petition from one (1) or more residents or landowners of the Township. An amendment to the official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, or Zoning Administrator, or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board, Planning Commission or Zoning Administrator.

B. Application
An amendment to this Ordinance (except those initiated by the Township Board, Planning Commission or Zoning Administrator) shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

1. A legal description and street address of the subject land, together with a survey and location map identifying the subject land in relation to surrounding properties.

2. The name and address of the landowner, and a statement of the applicant's interest in the subject land, if not the owner in fee simple title.

3. The existing and proposed zoning district designation of the subject land and surrounding properties.

4. A written description of how the requested amendment meets the criteria stated in this Section.

C. Amendment Review Procedure
Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

1. **Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials and Township consultants, including the Planner, Engineer, and Attorney, as appropriate, for review and comment.

2. **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with Section 17.03, Public Hearing Procedures.

3. **Planning Commission Consideration and Recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, the Township Planner, other Township consultants, and any public comments. The Planning Commission shall

identify and evaluate all relevant factors, and shall report its findings and recommendation in writing to the Township Board.

In considering an amendment to the official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:

a) Consistency with the Master Plan's goals, policies, and Future Land Use Map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.

b) Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

c) Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.

d) Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Monroe County with unplanned capital improvement costs or other unplanned public expenses.

e) Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).

f) The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

g) The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

h) The requested rezoning will not create an isolated or incompatible zone in the area.

i) Other factors deemed appropriate by the Planning Commission and Township Board.

4. **County Planning Commission Review.** The Planning Commission shall forward a copy of the proposed amendment and the report and its recommendation to the Monroe County Planning Commission for review and comment. The County Planning Commission shall have 30 days from the date of receipt from the Township to review the proposed amendment.

5. **Township Board Action.** A copy of the proposed amendment, the report and recommendation from the Township Planning Commission, as well as any recommendation from the County Planning Commission shall be forwarded to the Township Board for consideration and final action.

a) The Township Board may adopt or reject the proposed amendment, or may refer the amendment back to the Township Planning Commission for revision or further consideration.

b) If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Township Planning Commission for further consideration.

c) The Township Board may, at its discretion, hold additional public hearings on the proposed amendment, provided that notice of the hearing shall be

published once in a newspaper of general circulation in the Township not less than 15 days before the hearing date.

D. Re-Application

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Administrator determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

Section 17.05 Conditional Rezoning Amendments

The Township recognizes that, under certain instances, it may be to the Township's and the landowner's advantage to consider rezoning of certain lands if the application is accompanied by a site plan and subject to certain conditions. Accordingly, it is the intent of this Section to provide a conditional rezoning option to landowners in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

This option is intended to accomplish the objectives of the Zoning Ordinance through a rezoning review process that applies site planning criteria to achieve integration of the development project and the surrounding area. Conditional rezoning represents a legislative amendment to the Zoning Ordinance. Such actions shall be consistent with Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the following:

A. Eligibility

A landowner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. To be eligible for review as a conditional rezoning, the landowner shall, as part of an application for rezoning of land to a new zoning district classification, voluntarily offer certain site-specific regulations or conditions that are equally or more restrictive than the regulations of this Ordinance for the proposed zoning district.

B. Pre-Application Meeting

Prior to submitting a conditional rezoning application, the applicant may meet with the Township Zoning Administrator and other appropriate Township personnel that may include the Township Planner and Township Engineer for preliminary review of the proposal and the review process. The applicant shall pay the expenses incurred by the Township for this meeting.

C. Application Requirements

A conditional rezoning amendment shall be initiated by submission of a complete application and site plan to the Township, along with the required fee established by Township Board. Conditional rezoning applications shall be subject to the following requirements:

1. **Timing of Application.** A landowner may submit an application for conditional rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The applicant may, through written notice to the Township, amend the conditional rezoning application at any point during the review process.
2. **General Information.** In the case of any amendment to the official Zoning Map, the following information shall accompany the application and fee:

a) A legal description and street address of the subject land, together with a survey and location map identifying the subject land in relation to surrounding properties.

b) The name and address of the landowner, and a statement of the applicant's interest in the subject land, if not the owner in fee simple title.

c) The existing and proposed zoning district designation of the subject land and surrounding properties.

d) A written description of how the requested amendment meets the criteria stated in this Section.

3. **Additional Information for a Conditional Rezoning Application.** The conditional rezoning application shall include the following additional information:

a) **Conditional Rezoning Plan.** The applicant shall provide a conditional rezoning plan, with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section. The conditional rezoning plan shall not replace the requirements for site plan, subdivision or condominium approval under this Ordinance.

b) **Rezoning Conditions.** The applicant, subject to the following, shall propose rezoning conditions in writing

(1) **Permitted conditions.** Rezoning conditions may include some or all of the following:

(a) The location, size, height, and setbacks of buildings, structures, and improvements.

(b) The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).

(c) Measures to preserve natural resources or features.

(d) Facilities to address stormwater drainage and water quality using best management practices.

(e) Facilities to address traffic issues, such as through road paving or other road improvements.

(f) Farmland or open space preservation provisions.

(g) Minimum landscaping, buffering and screening provisions.

(h) Enhanced screening, beyond that required by this Ordinance.

(i) Building design, materials, lighting and sign criteria.

(j) Permissible and prohibited uses of the land.

(k) Measures to protect the rural viewshed, which is an undeveloped area adjacent to the road right-of-way having a minimum undisturbed depth of 300 feet, where existing wetlands, woodlands, farmlands or scenic vistas are preserved.

(l) Reclamation and reuse of land, where previous use of land causes severe development difficulties or blight.

(m) Other conditions as deemed important to the development by the applicant.

(2) **Prohibited conditions.** Such rezoning conditions shall not:

(a) Authorize uses or development of greater intensity or density than are permitted in the district proposed by the rezoning.

(b) Authorize uses or development expressly or implicitly prohibited in the district proposed by the rezoning.

D. Review and Approval Procedures

After the completed application and all required supporting materials have been received and fees paid, the proposed conditional rezoning amendment and application materials shall be reviewed in accordance with the following procedures:

1. **Technical review.** Prior to Planning Commission consideration, the proposed conditional rezoning amendment and application materials shall be distributed to appropriate Township officials and Township consultants for review and comment.

2. **Public hearing.** A public hearing shall be held for the proposed conditional rezoning amendment in accordance with Section 17.03, Public Hearing Procedures.

3. **Planning Commission Review and Recommendation.** Subsequent to the public hearing, the Planning Commission shall review the proposed conditional rezoning amendment, together with any reports and recommendations from staff, the Township Planner, other Township consultants, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation in writing to the Township Board.

4. **County Planning Commission Review.** The Zoning Administrator shall forward a copy of the proposed conditional rezoning amendment and the report and recommendation from the Township Planning Commission to the Monroe County Planning Commission for review and comment. The County Planning Commission shall have 30 days from the date of receipt from the Township to review the proposed conditional rezoning amendment.

5. **Township Board Action on the Conditional Rezoning Amendment.** A copy of the proposed conditional rezoning amendment, the report and recommendation from the Township Planning Commission, and any recommendation from the County Planning Commission shall be forward to the Township Board for consideration and final action:

a) **Additional Hearings.** The Township Board may, at its discretion, hold an additional public hearing on the proposed conditional rezoning amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the Township not less than 15 days before the hearing date.

b) **Rejection**. The Township Board may reject the proposed conditional rezoning amendment.

c) **Adoption**. If the Township Board determines that it may adopt the conditional rezoning, then the Township Board shall direct the Township Attorney to review conditional rezoning agreement, per Section 17.05E, Conditional Rezoning Agreements. Upon completion of the conditional rezoning agreement, the Township Board may adopt or reject the conditional rezoning amendment, including any conditional rezoning plan and conditional rezoning agreement.

E. Conditional Rezoning Agreement

As directed by the Township Board, the applicant or designee shall prepare a proposed conditional rezoning agreement. The proposed agreement shall incorporate the conditional rezoning plan proposed by the applicant, and shall set forth the rezoning conditions and any

other terms mutually agreed upon by the parties relative to the land subject to the proposed conditional rezoning.

1. **Contents and Terms.** A conditional rezoning agreement shall include the following terms:

   a) Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the conditional rezoning agreement.

   b) Agreement and acknowledgement that the conditions and conditional rezoning agreement are authorized by all applicable state and federal laws and constitution, and that the conditional rezoning agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.

   c) Agreement and understanding that the land in question shall not be developed or used in a manner that is inconsistent with the conditional rezoning plan and conditional rezoning agreement

   d) Agreement and understanding that the approval and conditional rezoning agreement shall be binding and upon and inure to the benefit of the landowner and the Township, and their respective heirs, successors, assigns, and transferees.

   e) Agreement and understanding that, if a conditional zoning becomes void in the manner provided in this Section, no development shall be undertaken or permits for development issued until the underlying zoning district classification of the land has been re-established by resolution of the Board of Trustees.

   f) Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.

2. **Effective Date and Recording of Conditional Rezoning Agreement.** A conditional rezoning shall become effective following both publication in the manner provided by law and recording of the conditional rezoning agreement with the Monroe County Register of Deeds office by the applicant with proof of recording given to the Clerk's Office.

3. **Amendment of Conditional Rezoning Agreement.** Amendment of a conditional rezoning agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.

4. **Expiration of conditional rezoning agreement.** The conditional rezoning approval shall expire following a period of two (2) years from the effective date of the rezoning unless:

   a) Approved development of the land commences within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion; or

   b) The rezoning is extended for good cause by the Township Board as provided for in Section 17.05J, Extension of Conditional Rezoning Approval.

F. Approval Criteria

The applicant shall have the burden of demonstrating that the following requirements and standards are met by the conditional rezoning plan, rezoning conditions, and conditional rezoning agreement:

1. **Enhancement of the project area.** The Township Board shall determine that approval of the conditional rezoning shall:

   a) Accomplish the integration of the proposed land development project with the characteristics of the project area; and

   b) Result in an enhancement of the project area that would be unlikely to be achieved or would not be assured without the use of conditional rezoning.

2. **In the Public Interest.** The Township Board shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the conditional rezoning plan and conditional rezoning agreement so that the public interest would be served by granting the conditional rezoning.

   In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles and factors.

3. **Other Amendment Considerations.** In considering a conditional rezoning amendment, the Planning Commission and Township Board shall also consider the following factors:

   a) Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.

   b) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with the site's physical, geological, hydrological, and other environmental features

   c) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with surrounding uses, densities, and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.

   d) Capacity of available utilities and public services to accommodate all potential uses allowed in the zoning district(s) under the proposed conditional rezoning without compromising the health, safety, and welfare of Township residents or burdening the Township or Monroe County with unplanned capital improvement costs or other unplanned public expenses.

   e) Capability of the road system to safely and efficiently accommodate the expected traffic generated by all potential uses allowed in the zoning district(s) under the proposed conditional rezoning.

   f) The apparent demand for the types of potential uses allowed in the zoning district(s) under the proposed conditional rezoning in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

   g) The boundaries of the proposed zoning district(s) in relationship to the surrounding area and the scale of future development on the site.

h) The requested conditional rezoning will not create an isolated or incompatible zone in the area.

i) Other factors deemed appropriate by the Township Board.

G. Zoning District Designation

If approved, the zoning classification of the rezoned land shall consist of the district to which the land has been rezoned accompanied by a reference to "CR" (Conditional Rezoning). For example, the Official Zoning Map designation for a conditional rezoning to the L-I Light Industrial District would be "L-I/CR."

H. Re-Application

Whenever a conditional rezoning application has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Administrator determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

I. Development Subject to Conditional Rezoning Requirements

The use and future development of land subject to an approved conditional rezoning shall conform to all regulations governing development and use in the zoning district to which the land has been rezoned, and the more restrictive requirements specified on the approved conditional rezoning plan and in the conditional rezoning agreement.

1. No other development or use shall be permitted, and the requirements of the approved conditional rezoning site plan and conditional rezoning agreement shall supersede all inconsistent regulations otherwise applicable under this Ordinance.

J. Extension of Conditional Rezoning Approval

In the event that a bona fide development has not commenced within two (2) years from the effective date of the rezoning, the conditional rezoning and conditional rezoning agreement shall be void and of no effect.

1. The Township Board may approve one (1) extension of up to 365 calendar days, upon written request by the landowner received by the Township Clerk before the two (2) year time limit expires.
2. The landowner shall show good cause why the extension should be granted.

K. Revert to Former Zoning

If the conditional zoning becomes void and of no effect, then by automatic reverter set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the land shall revert to its former zoning classification, which shall be confirmed by resolution of the Township Board.

L. Violations of the Conditional Rezoning Agreement

If development or actions are undertaken on or with respect to the land that are in violation of the conditional rezoning agreement, such development or actions shall constitute a nuisance per se.

1. In such case, the Township may issue a stop work order relative to the land and seek any other lawful remedies.
2. Until curative action is taken to bring the land into compliance with the conditional rezoning agreement, the Township may withhold or, following notice and an opportunity to be heard, revoke permits and certificates; in addition to or in lieu of such other lawful action to achieve compliance.

Article 18
ADMINISTRATIVE ORGANIZATION

Section 18.100 Authority, Duties, and Responsibilities

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the following boards, commissions, and persons that are charged with administering, implementing, and enforcing the provisions of this Ordinance.

Authority and responsibility for the administration and enforcement of all provisions of this Ordinance shall be as follows:

Section 18.101 Township Board Authority and Responsibilities

The Township Board shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

A. Adoption of this Ordinance and Any Amendments
In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act PA 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with Section 17.04 Amendments. Adoption of any change to this Ordinance shall be by an amendatory ordinance.

B. Review and Approval of Planned Developments
Township Board review and approval shall be required for all Planned Developments, in accordance with Article 14, Planned Unit Development District.

C. Setting of Fees
The Township Board shall have the authority to set, by ordinance or resolution, all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance, to defray expenses incurred in processing such permits, applications, and requests for action. In the absence of specific action taken by Township Board to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

D. Appointment, Oversight, and Removal of Zoning Officials
The Township Board shall appoint a Zoning Administrator or designated an agent of the Township to act as its officer for the proper administration of this Ordinance; and shall appoint a Code Enforcement Officer or designated an agent to act as its officer for the proper enforcement of this Ordinance.

1. The Zoning Administrator, Code Enforcement Officer, or designated agent of the Township shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
2. The Township Board in accordance with such employment terms and conditions may remove the Zoning Administrator, Code Enforcement Officer, or designated agent from office as the Board shall determine.
3. The duties and responsibilities of the Zoning Administrator, Code Enforcement Officer or designated agent positions may be vested in one (1) person; divided among two (2) or more persons; or delegated to designated Township consultants, as the Township Board may determine.

Section 18.102 Planning Commission Authority and Responsibilities

The Planning Commission shall have the following responsibilities and duties pursuant to this Ordinance.

A. Zoning Board Authority
All powers, duties, and responsibilities for a zoning board as provided by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, are hereby transferred to the Monroe Charter Township Planning Commission in accordance with Section 11 of the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended.

B. Formulation of Zoning Ordinance
The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to Township Board.

C. Site Plan and Special Approval
The Planning Commission shall be responsible for review and approval of site plans, per Section 17.01, Site Plan Review; and for holding hearings, reviewing, and making determinations to approve, approve subject to conditions or deny applications for special use approval, per Section 17.02, Special Uses.

D. Planned Development Review and Recommendation
The Planning Commission shall be responsible for holding hearings; reviewing; and making recommendations to Township Board to grant approval, approval with conditions, or denial of proposed Planned Development (PD) projects, per Article 15 Planned Development District.

E. Formulation of a Master Plan
The Planning Commission is hereby designated as the commission specified in Section 31 of the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, and shall perform the planning duties of said commission as provided in the statute.

F. Review of Matters Referred by Township Board
The Planning Commission shall be responsible for review of subdivision plats, and other land development matters referred by Township Board.

G. Report on the Operation of the Zoning Ordinance
The Planning Commission shall oversee the preparation of an annual report to Township Board on operations under the Zoning Ordinance, including recommendations as to the enactment of amendments or supplements to the Ordinance.

Section 18.103 Zoning Board of Appeals Authority and Responsibilities

The Zoning Board of Appeals (ZBA) is hereby established, which shall perform its duties as provided for in this Ordinance and the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected, and substantial justice done.

A. Membership
The Zoning Board of Appeals shall consist of five (5) regular members and two (2) alternate member appointed by the Township Board for three (3) year terms. Vacancies shall be filled for the remainder of the unexpired term by resolution of the Township Board. ZBA membership shall be subject to the following:

1. The first member of the ZBA shall be a member of the Township Planning Commission.
2. The second member of the ZBA may be a member of the Township Board and shall not serve as member of the ZBA Chair.

3. The additional regular and alternate members shall be selected from among the electors residing in the unincorporated area of the Township for at least one 1 year, provided that no elected officer of the Township or employee of the Township Board may serve simultaneously as an additional member.

4. Alternate members may be called on a rotating basis to sit as members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest.

5. Members of the ZBA shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and a public hearing by the Township Board.

6. In the event a ZBA member is elected to Township Board and such election increases the number of Township Board members serving on the ZBA to more than one 1, then such member's ZBA seat shall be deemed vacant.

B. Rules of Procedure

The Zoning Board of Appeals shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance, the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, any rules of procedure adopted by the ZBA, and the following:

1. The ZBA shall elect a Chair and Vice-Chair from the regular ZBA membership.

2. A minimum of three (3) ZBA members shall constitute a quorum for the conducting of business. All meetings shall be open to the public, and shall be held at the call of the Chair and at such other times as the ZBA may determine.

3. The ZBA shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

4. The ZBA shall make no determination on a specific case until after a public hearing has been held in accordance with Section 17.03 Public Hearing Procedures. Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case. No permit authorized by such a decision shall be issued until the decision has taken effect.

5. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

6. The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to grant a variance from any standard of this Zoning Ordinance; and to decide in favor of an applicant on any other matter upon which the ZBA is required to act.

7. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to each case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed with the Township Clerk and Zoning Administrator.

8. Two alternate members shall be appointed by the Board of Trustees to sit as members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest. Any alternate member shall have the same voting rights as a regular member of the ZBA.

C. Applications

Applications to the Zoning Board of Appeals shall be filed with the Township, with payment of the review fee established by Township Board. At a minimum, applications shall include the following:

1. The applicant's name, address, and contact information; and the address and location of the property involved in the request. Application shall be made with the full knowledge and consent of all owners of the property in question.
2. Zoning classification of the subject parcels and all abutting parcels.
3. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, road rights-of-way, easements, structures, setback dimensions, parking areas, driveways, and other site improvements.
4. A letter from the applicant stating the reasons for the request, and addressing the applicable review criteria specified in this Article for the type of request.
5. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

D. Administrative Appeals

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:

1. **Standing to Appeal**. Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an official, department, board or commission of the Township affected by the order, requirement, decision or determination. Such appeals shall be filed with the Township within 30 calendar days of the order, requirement, decision or determination.

2. **Stay of Proceedings**. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Zoning Administrator certifies to the ZBA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

3. **Review Criteria for Administrative Appeals**. The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:
   a) Constituted an abuse of discretion;
   b) Was arbitrary or capricious;
   c) Was based upon an erroneous finding of a material fact; or
   d) Was based upon an erroneous interpretation of the Zoning Ordinance.

   After making such a determination, the ZBA may reverse or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this Ordinance. In doing so, the ZBA shall exercise all authority granted by this Ordinance to the person or body from whom the appeal is taken.

E. Interpretation

1. **Interpretations of Zoning Ordinance Provisions**. The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the

zoning district in question, and carry out the intent and purpose of this Ordinance and the Township Master Plan.

2. **Interpretation of Zoning District Boundaries**. Where an ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Monroe Charter Township Zoning Ordinance and Master Plan.

   a) Boundaries that approximately follow the centerlines of roads, watercourses, lot lines or municipal boundaries shall be construed to follow such lines.

   b) Boundaries that follow railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.

   c) Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.

   d) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

   e) Where features referenced on the Official Zoning Map no longer exist or are at variance with the depiction on the Official Zoning Map, the ZBA shall interpret the district boundaries.

F. Variances

The Zoning Board of Appeals shall have the authority to grant variances from specific requirements of this Ordinance in accordance with the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended and the provisions of this Article. The ZBA shall state the grounds for denial of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Ordinance.

1. **Dimensional Variances**. The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional non-use standards of this Ordinance shall require a finding of practical difficulties. To grant a variance, the ZBA shall determine that request meet the following criteria:

   a) **Practical Difficulty.** Strict compliance with the specified dimensional standards will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or create a practical difficulty that would unreasonably prevent the owner from using the property for a permitted purpose.

   b) **Unique Circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.

   c) **Substantial Justice.** The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.

   d) **Preservation of Property Rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same district and vicinity.

   e) **Public Safety and Welfare.** The requested variance or appeal can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured.

f) **More Than Mere Inconvenience.** The alleged practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

g) **Not Self-created.** The problem and resulting need for the variance has not been self-created by the applicant.

h) **Additional Considerations.** The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the Ordinance:

(1) The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.

(2) The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.

(3) The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.

(4) The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.

(5) The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

2. **Use Variances**. The Zoning Board of Appeals shall not have authority to issue a use variance, except temporary buildings with a conforming use for periods not to exceed 1 year.

G. Exceptions

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the Zoning Board of Appeals to act. Any exception shall be subject to such conditions as the ZBA may require, to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

H. Appeal of a ZBA Decision

Appeals of a ZBA decision shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision, whichever occurs first, and shall be made in the manner provided by Section 606 of Public Act 110 of 2006, as amended.

I. Expiration of Approval

No order of the ZBA permitting the construction or alteration of a structure shall be valid for a period longer than 365 calendar days, unless a building or zoning permit for such construction or alteration is obtained within such period, and the construction or alteration is started and proceeds to completion in accordance with the terms of such permit.

J. Limitations of Authority

The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission or Township Board regarding amendments to this Ordinance, special use approvals or planned development applications. The ZBA shall not have the authority to alter this Zoning Ordinance or Official Zoning Map.

Section 18.104 Township Clerk Authority and Responsibilities

The Township Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:

1. Publish all notices required by these regulations, or verify such publication by the Zoning Administrator.
2. Maintain official records and file all official minutes and documents in an orderly fashion.
3. Perform other related duties required to administer these regulations.

Section 18.105 Zoning Administrator Duties and Responsibilities

Monroe Charter Township shall appoint a Zoning Administrator, and/or Code Enforcement Officer and such other persons as the Township Board may designate to act as its officer for the proper administration of this Ordinance. The Zoning Administrator shall be appointed by the Township Board for such term, subject to such conditions, and at such rate of compensation as the Board shall determine. The Zoning Administrator shall be responsible for administration of this Ordinance, as follows:

1. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and other zoning matters.
2. The Zoning Administrator shall periodically report to Township Board and Planning Commission on the status of Township's zoning administration.
3. The Zoning Administrator shall distribute all applications for zoning or development approval such as site plan review, special use review, and planned development review with copies of the site plan and application to designated Township officials and consultants for review and comment.
4. The Zoning Administrator shall publish all notices required by these regulations, or assist the Township Clerk with such publication.
5. The Zoning Administrator shall forward to the Township Board, Planning Commission, and Zoning Board of Appeals all materials related to completed applications recommendations, petitions or other matters on which the board or commission is required to act.
6. The Zoning Administrator shall, in consultation with the Township Clerk, maintain the current Official Zoning Map of the Township and an up-to-date Zoning Ordinance text by recording all adopted amendments.
7. The Zoning Administrator shall review and approve zoning permit applications and, in consultation with the Building Official, review and recommend action on building permit applications in compliance with the provisions of this Ordinance.
8. The Zoning Administrator shall initiate investigations into alleged violations of these regulations in consultation with the Code Enforcement Officer and Township Board.
9. In carrying out designated duties, the Zoning Administrator shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Board.

Section 18.106 Building Official and Code Enforcement Officer

The provisions of this Ordinance shall be enforced by the Code Enforcement Officer and /or Building Official, deputies of his/her department, and such other persons as the Township Board may designate.

1. The Building Official shall be responsible for consulting with the Zoning Administrator to verify compliance with this Ordinance prior to issuing building permits under the State Construction Code enforced by Monroe Charter Township.
2. The Code Enforcement Officer shall have the authority to investigate complaints of Ordinance violations; issue warnings and citations; and make inspection of buildings or premises necessary to carry out the enforcement of this Ordinance.
3. If the Building Official or Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he or she shall notify the person responsible in writing of such violations, indicating the nature of the violations and ordering the action necessary to correct it.
    a) The Building Official or Code Enforcement Officer shall order discontinuance of any unlawful work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.
    b) The Building Official or Code Enforcement Officer shall be responsible for making periodic inspections of the Township or parts thereof for the purpose of finding violations of this Ordinance.

Section 18.107 Township Planner Responsibilities

The Township may employ a Township Planner, who may be a member of Township staff, or a firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the appropriate Michigan planning and zoning enabling acts.
2. Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
3. Advise and assist Township Board and other authorized Township bodies or officials who are responsible for carrying out their directives.
4. Provide citizens and public officials with information relative to these regulations and related matters.
5. At request of the Township, review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
6. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.
7. Periodically report to the Planning Commission on the status of Township's zoning and planning administration.
8. Perform other related duties, as authorized, to administer these regulations.

Section 18.200 Administration

Section 18.201 Zoning Permits

No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit. No permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance. Zoning permits shall be subject to the following:

A. Building Permit includes Zoning Permit Approval

For purposes of this Section and Ordinance, building permits issued by the Building Official in accordance with the State Construction Code enforced by the Township shall also include any zoning permit approval required under this Ordinance. The Building Official shall be responsible for consulting with the Zoning Administrator to verify compliance with this Ordinance, prior to issuing building permits under the State Construction Code enforced by the Township.

B. Zoning Permits

Wherever a provision of this Ordinance requires approval of a permit for work not regulated by the State Construction Code enforced by the Township, zoning permit approval shall be required subject to the provisions of this Section. The Zoning Administrator shall have the authority to grant zoning permits, and shall be responsible for consulting with the Building Official to verify that no building permits are required for the proposed work under the State Construction Code enforced by the Township, prior to issuing a zoning permit under this Ordinance.

C. Application

Zoning permit applications shall be filed with the Zoning Administrator and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform to the provisions of this Ordinance. The Zoning Administrator may require that submittal of a permit application be accompanied by plans and specifications drawn to scale and showing the following:

1. The location, shape, area, and dimensions of the lot involved.
2. The locations of water and septic systems proposed and existing in the general area.
3. The size, shape, dimensions, and location of any existing or proposed structures to be situated on the parcel.
4. The existing and proposed use of the parcel and all structures upon it.
5. The location and dimensions of any existing and proposed yard, open space, and parking areas.
6. Proposed setbacks of structures from property lines, roads, lakes, and streams.
7. Any other information deemed necessary by the Zoning Administrator or designated agent of the Township for the proper enforcement of this Ordinance.

D. Permit Issuance

Issuance of zoning permits under this Ordinance shall be subject to the following:

1. The Zoning Administrator shall issue a zoning permit within 10 business days after determination that the proposed work conforms with all applicable provisions of this Ordinance.

2. It shall be unlawful for the Zoning Administrator to issue a zoning permit for proposed work that does not or has not been determined to conform to all applicable provisions of this Ordinance.

3. No permit shall be issued until the Zoning Administrator has received notification of final approval of a site plan, special use or other necessary approval from the Planning Commission, including any conditions of approval.

4. In all cases where the Zoning Administrator shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.

5. Proof of zoning permit approval shall be conspicuously posted upon the premises.

E. Revocation

The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The Zoning Administrator or designated agent of the Township shall notify the owner of such revocation in writing.

F. Duration

For purposes of this Section and Ordinance, expiration or revocation of a building permit issued by the Building Official in accordance with the State Construction Code enforced by the Township shall also void any zoning permit approval. Where a zoning permit is issued by the Zoning Administrator or designated agent of the Township in accordance with this Section, the following standards shall apply:

1. If construction is not started within 365 calendar days of the date a permit is issued, the zoning permit shall become void and a new permit application must be filed with the Zoning Administrator or designated agent of the Township.

2. Upon written request, the Zoning Administrator or designated agent of the Township may grant one extension of zoning permit approval for up to 180 calendar days.

G. Zoning Inspections

It shall be the duty of the holder of every permit to notify the Township of the time when the work subject to the permit is ready for inspection.

1. It shall be the duty of the Building Official to inspect work performed under an approved building permit for compliance with the provisions of this Ordinance.

2. It shall be the duty of the Zoning Administrator or designated agent of the Township to inspect work performed under an approved zoning permit for compliance with the provisions of this Ordinance.

Section 18.202 Compliance Required

No structure, site or part thereof, shall be constructed, altered or maintained, and no new use of any structure or land shall be established, changed or maintained, except in conformity with this Ordinance.

Section 18.203 Fees and Performance Guarantees

The Township Board shall, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance. No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full. The schedule of fees shall be posted on public display in the Township offices, and may be changed only by the Township Board.

A. Fees in Escrow for Professional Reviews

An escrow fee may be required by the Zoning Administrator or designated agent of the Township with any application for approval under this Ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed application.

1. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within 90 days of final Township action on the applicant's request, or within 90 days of withdraw of the request by the applicant. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the Township.

2. The professional review will result in a written report indicating the extent of conformance or nonconformance with this Ordinance, and identifying any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts.

B. Performance Guarantees

To ensure compliance with this Ordinance and faithful completion of required improvements, the Zoning Administrator or designated agent of the Township may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any permits, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements proposed by the applicant by the Township Engineer.

2. “Improvements” shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.

3. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the Township Board.

4. Performance guarantees shall continue until such time as the Township notifies the surety that the conditions imposed upon the development have been met. The surety shall be released in its entirety when the Zoning Administrator or designated agent of the Township and/or Building Official are satisfied that the conditions for such action have been met.

Section 18.204 Violation and Penalties

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

A. Violation

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to a fine of $500.00 and the costs of prosecution or, by imprisonment in the County Jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the

court. The imposition of any fine or other penalty by the court shall not exempt the offender from compliance with the provisions of this Ordinance.

B. Correction Period

All violations shall be corrected within 5 days following the receipt of an order to correct from the Building Official or Code Enforcement Officer. The Building Official or Code Enforcement Officer may grant an extension for not more than 30 days upon determining that the additional time is necessary for correction. The Building Official or Code Enforcement Officer may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

C. Penalties

The violation of any provision of this Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation shall upon conviction thereof, be subject to a fine of $500.00 and the costs of prosecution or, by imprisonment in the County Jail for a period not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the court.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

1. For purposes of this Section, the term “subsequent offense” shall mean a violation of the provisions of this Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.

2. Each day that a violation exists shall constitute a separate offense. Offenses committed on subsequent days within a period of seven 7 calendar days following legal action for a first offense shall all be considered separate first offenses.

D. Public Nuisance

Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by any and all applicable federal, state, or local laws as the Township deems necessary.

Article 19
RESERVED

Article 20

SEVERABILITY, REPEAL, EFFECTIVE DATE, AND ADOPTION

Section 20.01 Severability

If any part, sentence, paragraph, section or provision of this Ordinance or application thereof is adjudged unconstitutional or invalid, such invalidity shall not affect the remaining portion or application, or validity of this Ordinance as a whole. It is hereby declared that the legislative intent would have been to adopt this Ordinance as if the invalid provision had not been included.

Section 20.02 Repeal of Previous Ordinances

All previous zoning ordinances adopted by Monroe Charter Township, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance.

However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired:

1. Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed.

2. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

Section 20.03 Adoption

This Ordinance was adopted by the Township Board of Monroe Charter Township, Monroe County, Michigan, following compliance with all procedures required by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, at its regular meeting duly held on the 19th day of January, 2010, and ordered to be given publication in the manner prescribed by law.

Section 20.04 Effective Date

This Ordinance is hereby declared to be effective as of the 4th day of March, 2010, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.