Ordinance 76:
Hartland Township
Zoning Ordinance

Effective December 14, 2012

Amended through March 19, 2015

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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

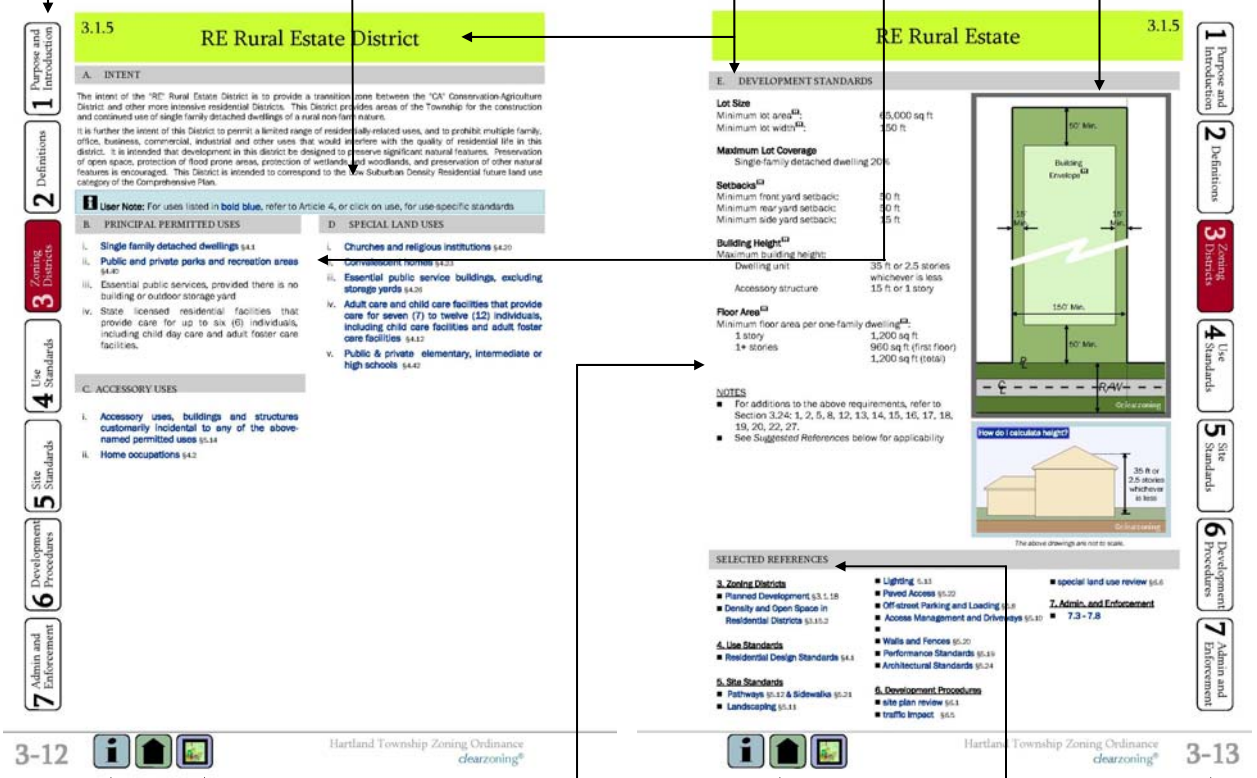
Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.



Link to *How to Use This Ordinance.*

Link to *Zoning Map.*

Notes provide relevant district information recommended for review.

Link to *Table of Contents.*

Selected References list other sections or Ordinances that may pertain to a development in the district.

Pages are numbered sequentially within each Article.

How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

📖 indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a 📖 symbol. Consult Article 2, Definitions, for a list of all defined terms.)

✍ indicates there is a graphic that illustrates the standard or requirement.

℞ identifies a property line.

℄ identifies the right-of-way centerline.

R/W identifies the right-of-way.

ℹ identifies a **User Note** that provides helpful information for all users.

💻 identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.

§ indicates a section of the ordinance.

How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 270 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read "and/or")
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see Section 2.1 Construction of Language.

Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By 'clicking' a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the 'previous view' button in Adobe Acrobat Reader.

If you do not see the 'previous view' button on your Adobe Acrobat Reader screen, you can add it by turning on your 'page navigation toolbar'. For assistance, refer to the 'Help' menu in your version of Acrobat Reader.

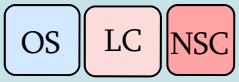
What information is linked?

All blue text is linked to either another page within the Zoning Ordinance, a separate City ordinance or document, or an external website.

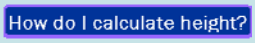
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

Article tabs located on the side of each page are linked to the Contents page of each Article.

Icons located at the bottom of each page are linked to the 'How to Use This Ordinance' section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in Article 3.



'How do I calculate height' button located on each district regulations page is linked to the definition of building height in Article 2.

Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult Section 3.1, Districts Established as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, Districts Established the latter will control.

P = Principal Permitted Use

S = Special Use

A = Accessory Use

Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

	CA	RUR	RR	STR	RE	SR	MDR	HDR	MR	MR2
Agriculture & farming	P	P	P							
Bed & breakfast facilities	S	S		S					S	
Boarding houses									S	
Caretaker/employee residences	A	A								
Cemeteries	S	S	S	S					S	
Child Caring Institutions	S	S								
Churches and religious institutions	S	S	P	S	S	S	S	S	S	
Essential public services w/building and/or equipment	S	S			S	S	S	S	S	
Essential public services w/storage yard										
Essential public services, with no bldg, or storage yard	P	P	P	P	P	P	P	P	P	P
Farm markets, cider mills, and you-pick	S	S								
Forestry clear cut operation	S	S								
Forests, forestry	P	P								
Game preserves	S	S								
Golf courses, country clubs	S	S							S	
Home occupations	A	A	A	A	A	A	A	A		
Hospitals									S	
Institutions of higher learning									S	
Kennels	S	S								
Land extensive recreation activities	A	A								
Landscape nurseries	S	S								
Large Institutional Uses									S	
Mobile home parks										P
Multiple family dwellings									P	
Nursing or convalescent homes	S	S			S	P	S	S	S	
Offices and corporate headquarters			S							
Private non-commercial clubs & lodges									S	
Private park and recreation areas	S	S		P	P	P	P	P	P	
Private stables	P	S								
Public & private buildings and areas for educational uses			P							

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4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult Section 3.1, Districts Established as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, Districts Established the latter will control.

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	CA	RUR	RR	STR	RE	SR	MDR	HDR	MR	MR2
Public & private buildings and areas for recreational uses			P							
Public and private elementary, middle, and high schools	S	S		S	S	S	S	S	S	
Public buildings, municipal offices, post offices, libraries, etc.				S					S	
Public park and recreation areas	P	P		P	P	P	P	P	P	
Public recreation facilities									S	
Public stables or riding arenas	S	S								
Radio, television, and telephone towers	S	S								
Restaurants, standard			S							
Sand & gravel mining	S	S								
Seed and Feed dealerships	A	A								
Senior citizen congregate or interim care facilities			S							
Single family detached dwellings	P	P	P	P	P	P	P	P		
Single family residential condominiums and subdivisions			P							
Specialized animal care	S	S								
State licensed residential facilities, serving between 7 and 12 individuals	S	S	S	S	S	S	S	S	S	
State licensed residential facilities, serving up to 6 individuals	P	P	P	P	P	P	P	P	P	P
Storage for multiple family housing developments									A	
Swim clubs, non-profit									S	
Temporary/Seasonal roadside stand	A	A								
Township-owned utilities	P	P								
Two family dwelling	S	S	P	P					P	
Veterinary office/clinics (large animal)	S	S								
Wildlife refuge	S	S								

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Digital User Note:
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	OS	LC	NSC	GC	RDP	LI	I
Adult day care facilities	S	S	P	P			
Agricultural seed processing, storage, sales		S					S
Apartments		S					
Asphalt, transit mix, or concrete plant							S
Automobile fueling and convenience stations				S			
Automobile parts sales, with no repair			S				
Automobile repair - major						S	S
Automobile repair - minor		S		S			
Automobile sales				S			
Automobile service stations				S			
Automobile wash				S			
Automobile wash, self-serve			S				
Banquet halls, assembly halls				P			
Bed & breakfast facilities		S					
Billiard halls				S			
Bulk storage and distribution facilities for petroleum products, paints, and chemicals							S
Business & private schools, for profit	P			P			
Business service establishments			P	P		P	P
Caretaker dwellings						A	A
Child care centers	S	S	P	P			
Churches and religious institutions	P	S		P			
Coin-operated self-service carwash			S				
Computer programming, data processing, and other computer-related services					P	P	P
Drive-in establishments				S			
Dry cleaning plants and laundries							S
Emergency medical facility							
Essential public services, w buildings		P			P		
Essential public services, w buildings and storage yards				S		P	P
Essential public services, w/no building or storage yard	P		P	P			
Financial institutions	P	P	P	P	P	P	P
Food and beverage service establishments, drive-in/through				S			

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4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult Section 3.1, Districts Established as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, Districts Established the latter will control.

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Digital User Note:
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	OS	LC	NSC	GC	RDP	LI	I
Food and beverage service establishments, no drive-in/ through		P	P	P	S	S	S
Food and beverage service establishments, with live entertainment				S			
Food and beverage stores		P					
Freezer locker plants and cold storage						S	
Funeral homes, mortuaries, crematoriums	S			P			
Greenhouses, commercial						P	P
Heavy industrial uses							S
Heliports						S	S
Incinerators, accessory							S
Junk yards							S
Landfill							S
Large institutional uses				S			
Light industrial uses						P	P
Lumber yards, and enclosed millworks						P	P
Medical, dental clinics	P		P				
Medical, dental offices	P		P	P	P	P	P
Mini warehouse						P	
Minor vehicle repair		S					
Motels and hotels				S		S	S
Music/dance studios		P					
Newspaper offices and accessory printing/distribution				P			
Nurseries, greenhouses, garden centers				S			
Office parks					S		
Oil and gas processing plants							S
Open air business uses				S			
Outdoor retail sales or display		S					
Outdoor seating & dining areas		P	P	P	P	P	P
Outdoor storage						S	S
Parks & open space, public/private			P	P	P	P	P
Personal fitness centers	S	S	S	P	S	A	A
Personal service establishments		P	P	P			

Continued on next page

4. USE MATRIX

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Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

	OS	LC	NSC	GC	RDP	LI	I
Pharmacies, apothecaries	P						
Private indoor recreation				S	S	S	S
Private non-commercial clubs & lodges		S					
Private outdoor recreation				S			
Professional & executive offices	P	P/S	P	P	P	P	P
Propane sales, accessory							S
Proving grounds							S
Public & private elementary, intermediate, or high schools		S					
Public buildings, municipal offices, post offices, libraries, etc.		P	P	P	P	P	P
Radio & TV towers				S		S	S
Recreational vehicle sales and service							S
Recreational, landscaping, moving equipment leasing				S			
Recycling and composting center							S
Repair shops for bicycles, appliances, jewelry, and small motors, but not automobiles		P					
Research, design & testing uses					P	P	P
Retail sales of goods or wares incidental to principal permitted use	A						
Retail stores		P/S	P	P			
Sand & gravel mining							S
Sexually-oriented businesses							S
Shopping centers				S			
Single family dwellings		P					
Theaters and concert halls				P			
Truck service establishments							S
Two family dwellings		S					
Urgent care facilities						S	S
Veterinary offices and clinics				P			
Veterinary offices and clinics with no outdoor facilities or kennels	P						
Veterinary offices, small animal				P			
Vocational & technical training schools					P	P	P

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult Article 3 Zoning Districts for additional requirements and exceptions to the information below.

Districts *(Residential)*		Min. Lot Area (acres or sq. ft.)	Min. Lot Width (linear feet)	Max. Lot Coverage (%)	Min. Yard Requirements (linear feet)		
					Front	Side	Rear
RUR Rural Residential	Farm Dwelling	10 acres	300	5	50	15	50
	Farm Accessory Building	----	----		50	15	50
	Single Family Detached Dwelling, Non-Farm	3 acres	250	15	75	20	60
	Non-Farm Accessory Structure	----	-----		75	20	60
CA Conservation Agricultural	Farm Dwelling	10 acres	300	5	50	15	50
	Farm Accessory Building	----	----		50	15	50
	Single Family Detached Dwelling, Non-Farm	2 acres	200	15	50	15	50
	Non-Farm Accessory Structure	----	-----		50	15	50
RE Rural Estate	Single Family Detached Dwelling	65,000	150	20	50	15	50
	Accessory Structure	----	----		50	15	50
RR Rural Recreational	Single Family Detached Dwelling	15,000	100	25	50	15	25
	Single Family Detached Dwelling	20,000	120	20	50	15	25
	Accessory Structure	----	----		50	15	25
	Two-Family Building	15,000	120	25	50	15	25
	Multiple Family Building		---	30	50	15	25

Continued on next page

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult Article 3 Zoning Districts for additional requirements and exceptions to the information below.

Districts *(Residential)*		Min. Lot Area (acres or sq. ft.)	Min. Lot Width (linear feet)	Max. Lot Coverage (%)	Min. Yard Requirements (linear feet)		
					Front	Side	Rear
STR Settlement Residential	Single Family Detached Dwelling						
	Accessory Structure	----	----				
SR Suburban Residential	Single Family Detached Dwelling	20,000	120	20	50	15	25
	Single Family Detached Dwelling	32,670	120	15	50	15	25
	Accessory Structure	---	---		50	15	25
MDR Medium Density Residential	Single Family Detached Dwelling	12,000	80	20	30	10	25
	Accessory Structure	---	—		30	10	25
HDR High Density Residential	Single Family	8,400	70	25	25	10	20
	Accessory Structure	---	---		25	10	20
HDR High Density Residential	Single Family	8,400	70	25	25	10	20
	Accessory Structure	---	---		25	10	20
MR Multiple Family	Two-Family Building	15,000	120	20	35	15	25
	Multiple Family Building		120	30	50	15	25
	Accessory Structure	---	---		50	15	25
MR-2 Mobile Home Park		15 acres	SEE ARTICLE 20				

Districts *(Residential)*		Min. Lot Area (acres or sq. ft.)	Min. Lot Width (linear feet)	Max. Lot Coverage (%)	Min. Yard Requirements (linear feet)		
					Front	Side	Rear
OS Office Service	Principal Structure	20,000	100	75	50	20	40
	Accessory Structure	---	---		50	20	40
LC Limited Commercial	Principal Structure						
	Accessory Structure	--	--	--	--		--
NSC Neighborhood Service Commercial	Principal Structure w/o sewer	20,000	100	75	50	15	40
	Principal Structure with sewer	12,000	60	75	50	15	40
	Accessory Structure	---	---		50	15	40
GC General Commercial	Principal Structure w/o sewer	40,000	120	75	50	15	0
	Principal Structure with sewer	20,000	120	75	50	15	40
	Accessory Structure	---	---		50	15	40
RDP Research and Development Park	Principal Structure	5 acres	200	65	50	25	50
	Accessory Structure	---	---		50	25	50
LI Light Industrial	Principal Structure	40,000	120	75	50	15	50
	Accessory Structure	---	---		50	15	50
I Industrial	Principal Structure	10 acres	330	75	100	50	50
	Accessory Structure	---	---		100	50	50

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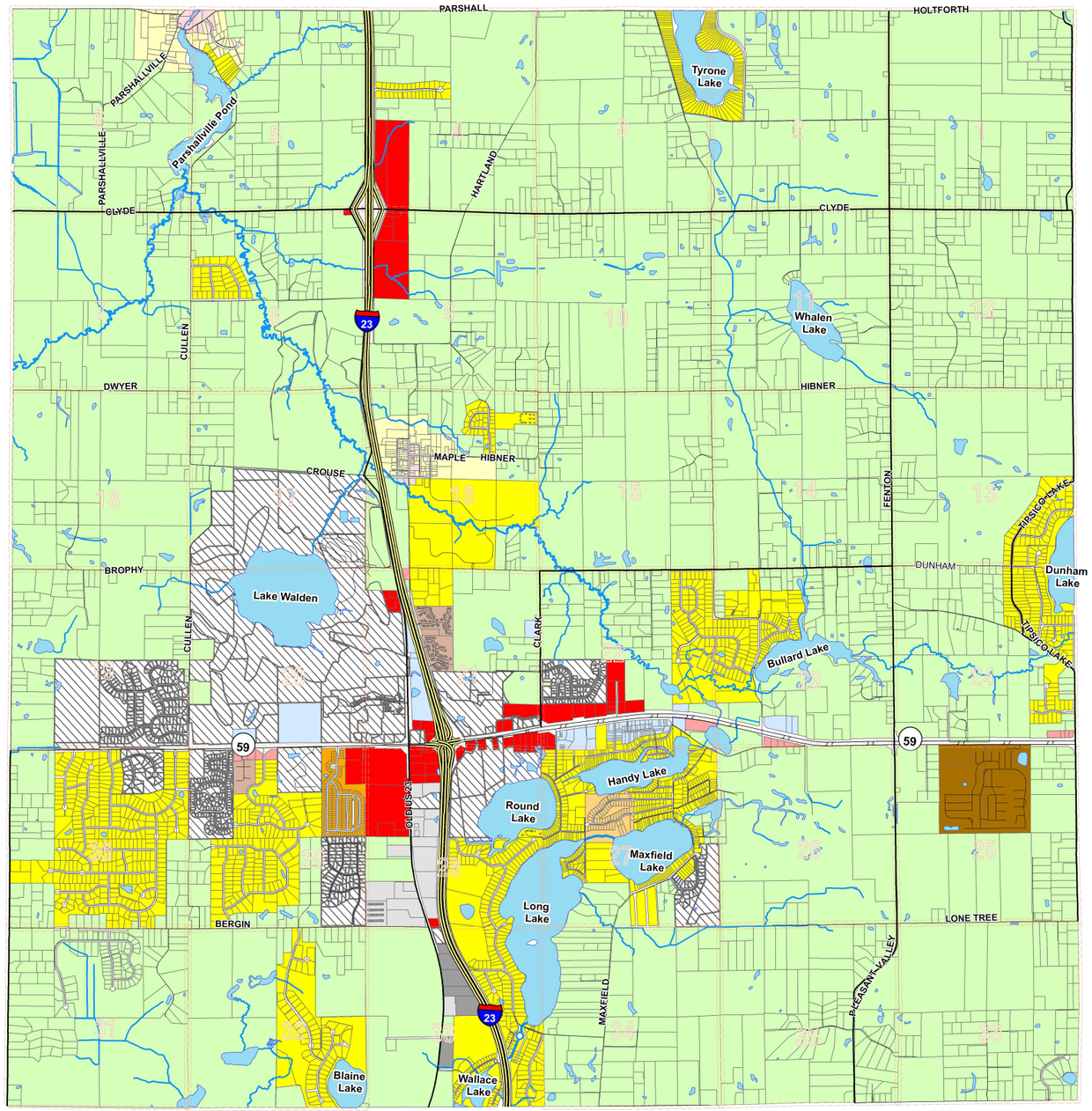

Digital User Note:
Click on a district heading in the map legend to go directly to the corresponding district regulations.

Zoning Map

Hartland Township
Livingston County, Michigan

N W E S

- CA - Conservation Agricultural
- RUR - Rural Residential
- RR - Residential Recreational
- STR - Settlement Residential
- RE- Rural Estate District
- SR - Suburban Residential
- MDR - Medium Density Residential
- HDR - High Density Residential
- MR - Multiple Family Residential
- MR-2 - Mobile Home Park
- OS - Office Service
- LC - Limited Commercial
- NSC - Neighborhood Service Commercial
- GC - General Commercial
- RDP - Research and Development Park
- LI - Light Industrial
- I - Industrial
- PD - Planned Development

0 0.2 0.4 0.8 Miles

HARTLAND TOWNSHIP

clearzoning CLEAR AND CONNECTED

Created: December 12, 2012

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Article 1.0
Purpose and Introduction

Article 1.0 Purpose and Introduction

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1.2	Preamble	1-3
1.3	Title	1-3
1.4	Purpose	1-3
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1.0 Purpose and Introduction

1.1 AUTHORITY

An Ordinance enacted under Act 110, Public Act of 2006, as amended, known as the Michigan Zoning Enabling Act, governing the unincorporated portions of the Township of Hartland, Livingston County, Michigan to regulate the proper use of land and resources, to regulate and restrict the location , size, and use of buildings, structures, and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to specify standards such as minimum area, setbacks, bulk and the maximum number of families that may be housed in structures to assure sufficient open space, sanitary conditions, safety and other protective measures; to regulate and limit the density of populations; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide for enforcement; establish a board of appeals; and impose penalties for the violation of this ordinance.

1.2 PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan, made and provided for the purpose of promoting and protecting the public health, safety, convenience, and general welfare of the inhabitants of the Township of Hartland, provision is made herein for the conservation and protection of the land resource together with the full and equitable enjoyment of that resource, to secure the most appropriate use of land, to prevent undue crowding and congestion of the population, transportation systems and other public facilities, to support the economic need of the people of the Township through adequate provision for the utilization of natural resources and the development of commercial and industrial enterprise, to provide freedom and ease for the circulation of people and movement of goods throughout the Township as well as the access for public services to all citizens, to facilitate adequate and efficient provision of the transportation system, sewage disposal, water, energy, education, recreation, emergency services and other public services and facilities, to retain and improve the quality of life in the Township, and to promote and achieve the goals, objectives and future land use plan of the Comprehensive Plan.

1.3 TITLE

This Ordinance shall be known as the "Township of Hartland Zoning Ordinance No. 76", and may hereinafter be referred to as “this Ordinance”.

1.4 PURPOSE

This Ordinance is adopted so as to promote and protect the public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to conserve natural resources and energy; to avoid overcrowding of population; to provide adequate access to light and air; to avoid or reduce congestion on public streets and roads; to guard against hazards to persons and/or property; to ensure that uses of the land shall be situated in appropriate locations and relationships; to facilitate provision of adequate transportation and recreational facilities; to ensure that meaningful educational opportunities will be available to all citizens of the Township; to protect the Township water supply; and to conserve the expenditure of funds for public improvements and services by promoting and encouraging a thoughtful and careful pattern and process of land utilization within each district and from one district to another in concert with recommendations contained in the Hartland Township Comprehensive Plan.

1.5 RELATIONSHIP TO COMPREHENSIVE PLAN

This Ordinance has been developed and designed to implement the Hartland Township Comprehensive Plan, and to ensure that the guidelines detailed in that Comprehensive Plan will be considered and adhered to as future decisions regarding requested zoning changes are made.

1.6 INTERPRETATION

The provisions of this Ordinance shall be considered to be minimum standards and requirements within each District and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use or planned development approval where such higher or more restrictive standards or requirements are found necessary by the Planning Commission and Township Board to attain the intent of this Ordinance.

1.7 CONFLICTING REGULATIONS

1. Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern.
2. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare. Any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.
3. This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this Ordinance shall govern if determined by the Zoning Appeals of Board to be more restrictive or impose a higher standard.

1.8 COMPLIANCE

1. No structure or part thereof shall be located, moved, erected, constructed, reconstructed, altered, converted, enlarged or maintained, nor shall any structure or land be utilized or be designed to be utilized unless in full compliance with the provisions of this Ordinance.
2. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

1.9 VESTED RIGHT

Nothing in this chapter shall be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein. All such uses, structures and activities are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and welfare. Uses, buildings and structures that were nonconforming under the previous zoning ordinance gain no new rights through the adoption of the standards of this Ordinance unless such uses, buildings and structures become conforming or more conforming by the regulations of this Ordinance.

1.10 SCOPE OF REGULATIONS

No structure or part thereof shall be located, moved, erected, constructed, reconstructed, altered, converted, enlarged or maintained; nor shall any structure of land be utilized or designed to be utilized unless in full compliance with the provisions of this Ordinance.

1.11 MINIMUM REQUIREMENTS

The provisions of this Ordinance shall be held to be minimum standards and requirements within each District and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit where such higher or more restrictive standards or requirements are found necessary by the Planning Commission and Township Board to attain the intent of this Ordinance.

1.12 NON-ABROGATION OF OTHER ORDINANCES OR AGREEMENTS

This ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

1.13 ALLOWABLE USES

Only the following use of land, buildings, or structures shall be allowed in the Township:

1. Uses lawfully established on the effective date of this Ordinance.
2. Uses for which a land use permit has been issued.
3. Permitted principal and accessory uses in the applicable zoning district, subject to the requirements specified.
4. Conditional and special uses in the applicable zoning district, subject conditions and requirements specified.

5. Temporary uses subject to the requirements specified in Section 4.3, Temporary Structures Used for Dwelling Purposes and Section 4.4.

1.14 SEVERABILITY

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgment shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building, or structure in the Township, unless otherwise stated in the judgment.

1.15 REPEAL

The Zoning Ordinance text and maps adopted by the Township of Hartland in May, 19 1998, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendment does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

1.16 EFFECTIVE DATE

Made and passed by the Township Board of the Township of Hartland, Livingston County, Michigan on December 4, 2012 and effective seven (7) days following publication of notice of Ordinance adoption by the Township Clerk in a newspaper of general circulation in the Township of Hartland.

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

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Article 2.0 Definitions

Article 2.0 Definitions

2.1 Construction of Language 2-4
2.2 Definitions 2-4

1. Abutting
2. Access
3. Accessory Use
4. Acre
5. Acreage Tract/Land
6. Adult Care Organizations*
7. Adult Day Care Facility
8. Agriculture
9. Airport
10. Alley
11. Alteration
12. Animals, Domesticated
13. Animals, Exotic
14. Applicant
15. Arcade
16. Architectural Elevation
17. Attached Wireless Communication Facilities
18. Automobile Fueling and Convenience Station
19. Automobile Repair-Major
20. Automobile Repair-Minor
21. Automobile Service Station
22. Basement
23. Bed and Breakfast Inn
24. Bike Path
25. Block
26. Boarding House
27. Boat
28. Boat Launching
29. Buildable Area
30. Building
31. Building Envelope
32. Building Height
33. Building Line
34. Building Official
35. Building, Temporary
36. Business or Commercial
37. Caliper
38. Campground
39. Canopy
40. Caretaker Living Quarters
41. Cemetery
42. Cemetery, Pet
43. Channelized Driveway
44. Child Care Organization*
45. Church and Religious Institutions
46. Club
47. Collocation
48. Combine or Combination
49. Commission
50. Common On-Site Disposal System
51. Common On-Site Water System
52. Common Use Lot (keyhole)
53. Compost
54. Comprehensive Plan
55. Condominium*
56. Congregate/Interim Care Housing
57. Convenience Store
58. Cul-De-Sac
59. Cul-De-Sac Circle
60. Dead End Street
61. Deck
62. Dedication
63. Density
64. Developer
65. Development
66. District, Zoning
67. Divide or Partition
68. Dock, Docked or Docking
69. Drainage
70. Drive-Thru Facility
71. Driveway
72. Driveway, Commercial
73. Driveway, Shared
74. Driveway, Shared Commercial
75. Driving Range
76. Dwelling, Multiple Family*
77. Dwelling, Row
78. Dwelling, Single-Family
79. Dwelling, Two-Family
80. Dwelling Unit
81. Earth-Sheltered Home
82. Easement
83. Engineer, Township
84. Erect
85. Essential Services
86. Excavation
87. Family
88. Farm
89. Farm Building
90. Farm Market
91. Farmstead
92. Feedlot
93. Fence
94. Fence, Decorative
95. Filling
96. Flood
97. Floodplain
98. Floodway
99. Floor Area, Gross
100. Floor Area, Usable Residential
101. Floor Area, Usable Nonresidential
102. Food & Beverage Stores
103. Food & Beverage Service
104. Frontage
105. Frontage, Through and corner lots
106. Frontage, Waterfront
107. Funeral Home or Mortuary
108. Garage Sales/Yard Sales
109. Golf Course or Country Club
110. Grade
111. Home Occupations
112. Hospital, General
113. Hotel
114. Impact Assessment
115. Impervious Surface
116. Industrial Park
117. Industry, Heavy
118. Industry, Light
119. Infrastructure
120. Institution
121. Institution of Higher Learning
122. Institutional Uses, Large Scale
123. Junk
124. Junk or Salvage Yard
125. Kennel
126. Keyholing
127. Lake

*Multiple terms are defined in this ordinance.

128. Land
129. Landfill
130. Landscaping*
131. Land Use Permit
132. Livestock
133. Loading Space
134. Lot
135. Lot Area
136. Lot, Continuous
137. Lot, Corner
138. Lot Coverage
139. Lot Depth
140. Lot, Double Frontage
141. Lot, Flag
142. Lot Lines*
143. Lot of Record
144. Lot, Subdivision
145. Lot, Waterfront
146. Lot Width
147. Lot, Zoning
148. Major Thoroughfare
149. Manufactured Housing
150. MDEQ
151. Mezzanine
152. Mobile Home
153. Mobile Home Commission Act
154. Mobile Home Pad
155. Mobile Home Park
156. Motel
157. Noise*
158. Nonconforming Building
159. Nonconforming Lot
160. Nonconforming Use
161. Nursery, Plant Material
162. Nursing or Convalescent Home
163. Occupancy, Change Of
164. Oil or Gas Processing Plant
165. Office, General
166. Office, Medical
167. Office-Research Park
168. Open Air Business Uses
169. Open Space
170. Open Space, Usable
171. Operable Doors
172. Ordinary High Water Mark
173. Outdoor Storage
174. Outlot
175. Owner
176. Ownership
177. Parapet
178. Parcel
179. Parent Parcel/Tract
180. Park
181. Parking Lot, Off-Street
182. Parking Space
183. Pavement
184. Performance Guarantee
185. Person
186. Personal Fitness Center
187. Personal Service Establishment
188. Pet, Family
189. Planned Development
190. Planner, Township
191. Plat
192. Pond
193. Porch
194. Pre-Existing, Non-Conforming Structure
195. Pre-Existing, Non-Conforming Use
196. Principal Building
197. Principal Permitted Use
198. Property Line
199. Public Safety Official
200. Public Utility
201. Ravine
202. Recognizable and Sustainable Benefit
203. Recreation Area
204. Recreation, Land Extensive
205. Recreational Vehicle
206. Recreational Site
207. Recreational Vehicle Park
208. Recycling Center
209. Recycling Collection Station
210. Resale Shop
211. Residential Districts
212. Restaurant*
213. Riding Area
214. Right-Of-Way
215. Right to Farm Act
216. Road*
217. Road, Hard Surface
218. Road, Improved
219. Road, Marginal Access
220. Road, Private
221. Road, Public
222. Roadbed
223. Roadside
224. Roadside Stand
225. Senior Housing
226. Service Drive
227. Setback, Minimum Required
228. Sexually Oriented Business*
229. Shopping Center
230. Shoreline
231. Shoulder
232. Sign*
233. Site Condominium Unit
234. Site Plan
235. Slope
236. Soil/Sand/Gravel Processing Plant
237. Special Use
238. Specialized Animal Raising and Care
239. Stable, Private
240. Stable, Public
241. State Licensed Residential Facility
242. Story
243. Story, Half
244. Street
245. Street Lot Line
246. Structural Alteration
247. Structure
248. Subdivision
249. Substantial Improvement
250. Swimming Pool
251. Temporary Dwelling
252. Temporary Uses and Seasonal Events
253. Tower
254. Township
255. Toxic or Hazardous Waste
256. Tract
257. Trailer Park
258. Travel Trailer
259. Truck Stop
260. Truck Terminal
261. Utility Trailer
262. Variance
263. Veterinary Office
264. Wall, Obscuring
265. Warehouse
266. Waste
267. Water Frontage
268. Wetlands
269. Wholesale Sales
270. Width To Depth Ratio
271. Windmill
272. Wireless Communication Facility/Structure
273. Wireless Communication Support Structures (Towers)
274. Yard*
275. Zoning Administrator
276. Zoning Board of Appeals

*Multiple terms are defined in this ordinance.

2.0 Definitions

2.1 CONSTRUCTION OF LANGUAGE

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

1. The particular shall control the general.
2. Words used in the present tense shall include the future.
3. Words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
5. The masculine gender includes the feminine and neuter.
6. All measurements shall be to the nearest integer, unless otherwise specified herein.
7. The phrase "used for" includes "arranged for", "designed for", "intended for", "occupied for", and "maintained for".
8. The word "building" includes the word "structure". The word "build" includes the words "erect" and "construct". A "building" or "structure" includes any part thereof.
9. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
10. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either/or", the conjunction shall be interpreted as follows:
12. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
13. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
14. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
15. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
16. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

2.2 DEFINITIONS

1. **ABUTTING:** Properties having a common border with or being separated from such common border by an alley or recorded easement.
2. **ACCESS:** A means of vehicular approach or entry to or exit from property.
3. **ACCESSORY USE, BUILDING OR STRUCTURE:** A use, building or structure which is clearly or customarily incidental and subordinate to the principal use of the land, building or structure and is located on the same zoning lot as the principal use to which it is exclusively related.
4. **ACRE:** Forty three thousand, five hundred and sixty (43,560) square feet
5. **ACREAGE TRACT OR ACREAGE LAND**: Land or real estate that is not located in, or a part of, a recorded plat or a condominium plan.
6. **ADULT CARE ORGANIZATIONS:** A facility for the care of persons over 18 years of age, as licensed and regulated by the State under Act. No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:
   A. **Adult foster care facility:** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing or convalescent homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
   B. **Adult foster care small group home:** A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

C. **Adult foster care large group home:** A facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.

7. **ADULT DAY CARE FACILITY:** A facility which provides care for any part of a day but less than twenty-four (24) hour care for elderly and/or functionally impaired persons over 18 years of age, provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home.

8. **AGRICULTURE:** The act or business of cultivating or using land or soils for the production of crops for the use of animals or humans and includes, but is not limited to, pasturage, floriculture, dairying, horticulture, viticulture, and livestock or poultry husbandry, but excluding such uses as feedlots and industrial poultry factories.

9. **AIRPORT:** A cleared and leveled area where aircraft can take off and land. Airports may include hard surfaced or grass landing strips, a control tower, hangars, passenger terminals, and accommodation for cargo.

10. **ALLEY:** A public right-of-way shown on a plat or a private right-of-way which provides a secondary vehicular access to a lot, block or parcel of land.

11. **ALTERATION:** Any change, addition or modification to a structure or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

12. **ANIMALS, DOMESTICATED:** All animals, including poultry and excluding household pets, normally found on a farm or raised for commercial purposes. Such animals shall be distinguished by size as follows:

    A. Large size animals, including horses and cattle.

    B. Medium size animals, including sheep, swine, goats and miniature horses.

    C. Small size animals, including rabbits, mink, dogs, cats, mice, rats, and snakes.

    D. Poultry, birds or fowl, including chickens, ducks, geese, turkeys, pigeons, parrots, and guinea hens.

13. **ANIMALS, EXOTIC:** An animal from a species which is not commonly domesticated, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive character or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner. Exotic animals shall include but not be limited to the following:

    A. Poisonous or venomous animals including fish, toads, snakes, lizards, insects, scorpions, and spiders.

    B. Any constrictor snake over eight (8) feet long.

    C. Piranha fish.

    D. Non-human primates.

    E. Alligators, crocodiles, and caimans

    F. Large cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard lion, lynx, mountain lion, panther, ocelot, tiger, wildcat and hybrids with domestic species.

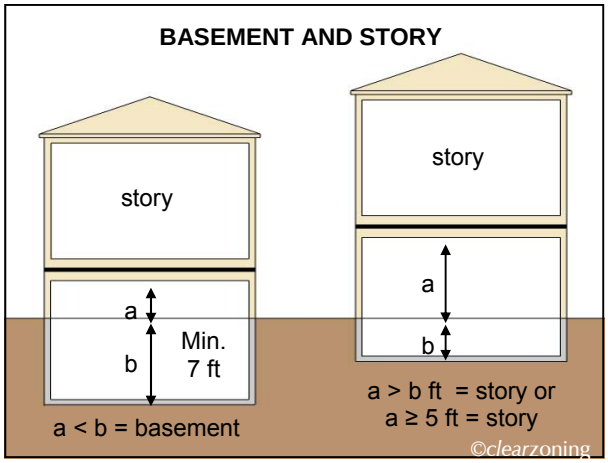
    G. Carnivores including but not limited to bear, wolves, fox, coyotes, jackal, weasel, wolverine, and hybrids with domestic species.

    H. Large animals typically kept in zoological gardens, not including barn yard animals.

    I. Animals that pose rabies risk.

    J. Birds of prey including but not limited to owls, hawks, and falcons.

14. **APPLICANT:** An individual, firm, association, partnership, corporation, or combination thereof, who holds ownership interest in land or is authorized by the owners to serve as their representative and is seeking approval for a division or partition of land, site plan approval, rezoning, variance, special use approval, planned development approval or other permit or license regulated in accordance with this Ordinance.
15. **ARCADE:** Any establishment which provides on its premises three (3) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.
16. **ARCHITECTURAL ELEVATION:** A geometrical projection of a building or other structure on a vertical plane.
17. **ATTACHED WIRELESS COMMUNICATIONS FACILITIES:** Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
18. **AUTOMOBILE FUELING AND CONVENIENCE STATION:** Building and/or structures used for the retail sale of fuels, lubricants, and similar commodities primarily for motorized vehicles, along with the customary space and facilities for dispensing fuel for or in such vehicles. The station may also include areas devoted to the sale of grocery, convenience, automotive and similar goods intended primarily for those patrons purchasing fuel, and may include a vehicle washing facility. Vehicle repair is not included within this definition.
19. **AUTOMOBILE REPAIR - MAJOR:** Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body frame, or fender straightening and repair; overall painting and vehicle rust proofing.
20. **AUTOMOBILE REPAIR - MINOR:** Any activity involving incidental repair to motor vehicles such as engine tune-ups, pump replacement, tire repair, electrical system repair, and radiator repair. Quick oil change, sales of accessories, tire rotation and lubricating facilities are included in this definition.
21. **AUTOMOBILE SERVICE STATION:** A building or structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor repair, vehicle washing, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing where the primary use of the premises is such high speed washing, or sales of new or used cars, trucks, or motorcycles.
22. **BASEMENT:** That portion of a building which is partly or wholly below grade but located so that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See Illustration "Basement and Story")✍

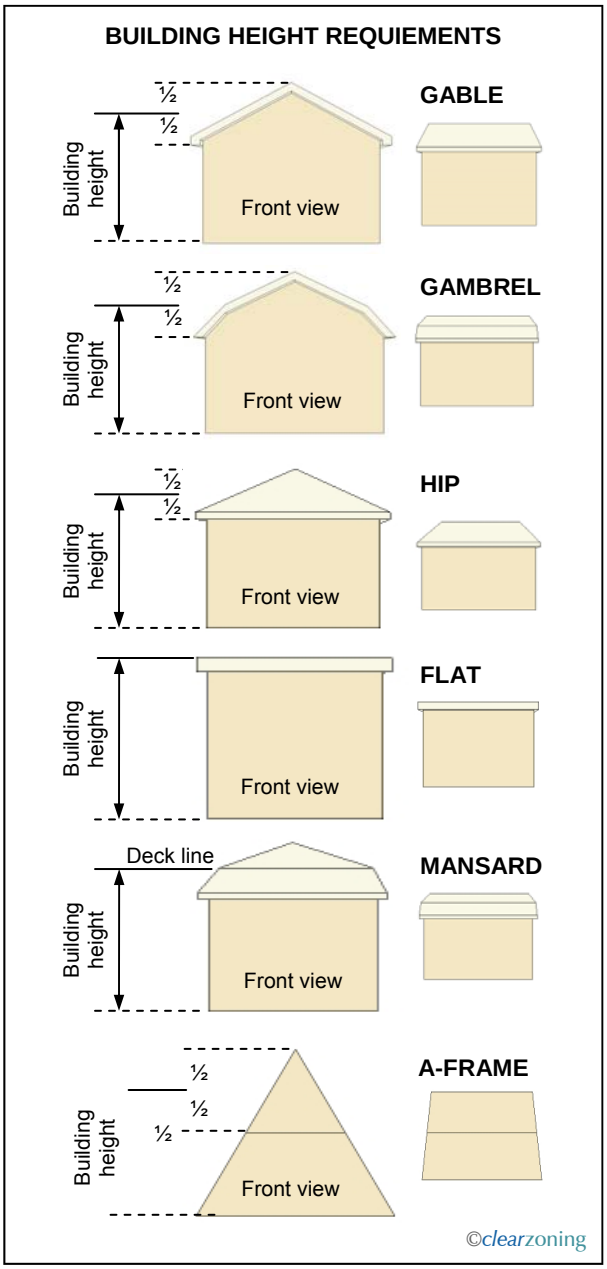


23. **BED AND BREAKFAST INN:** A private residence that is also the innkeeper's residence; which provides sleeping accommodations in up to six (6) sleeping rooms for transient guests for compensation and serves meals at no extra charge to overnight guests only.
24. **BIKE PATH:** A minimum eight (8) foot wide asphalt path intended for use by non-motorized vehicles and pedestrians.
25. **BLOCK:** The property bounded by a street or by a combination of streets and public land, unsubdivided acreage, stream or any other physical barrier to the continuity of a development.
26. **BOARDING (OR ROOMING) HOUSE:** A dwelling, other than a hotel or motel, where meals, or lodging and meals, are provided for compensation to three or more persons by prearrangement, but not for transients.

27. **BOAT:** Any watercraft or vessel used or operated upon a lake including, without limitation powerboats, sail boats, jet skis or other similar personal watercraft, seaplanes or other similar aircraft, and any other amphibious craft capable of moving between land and water.

28. **BOAT LAUNCHING:** The placement of a boat in a lake by any means.

29. **BUILDABLE AREA:** The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.



30. **BUILDING:** Any structure, either temporary or permanent, having a roof or other covering, built, used, designed, or intended for the shelter, or enclosure of persons, animals, chattel, or property of any kind.

31. **BUILDING ENVELOPE:** The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance.

32. **BUILDING HEIGHT:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall. (See "Building Height Requirements" Illustration)✍

33. **BUILDING LINE:** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the required setback line.

34. **BUILDING OFFICIAL:** The officer or other authority designated by the Township Board to administer and enforce the Building Code.

35. **BUILDING, TEMPORARY:** A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Examples of temporary buildings are trailers used on a construction site, buildings used to house environmental clean-up operations, and portable classrooms..

36. **BUSINESS OR COMMERCIAL:** Engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices, recreational or amusement enterprises.

37. **CALIPER:** The diameter of a tree measured 12 inches above grade.

38. **CAMPGROUND:** The uses and activities which take place on a lot or parcel of land for temporary short term recreation, resort or vacation purpose in accordance with the provisions of Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A. 368 as administered by the County, District or State Public Health Department.

39. **CANOPY:** Roof like structures which are not enclosed. Canopies may be attached to a building or freestanding.

40. **CARETAKER LIVING QUARTERS:** An independent residential dwelling unit designed for and occupied by no more than two (2) persons, where at least one (1) is employed to look after goods, buildings, or property on the parcel on which the living quarters are located. A caretaker's living quarters shall not exceed 650 square feet in gross floor area.
41. **CEMETERY**: Land used or intended to be used for burial of the human dead including columbarium, crematories, and mausoleums and dedicated for such purposes.
42. **CEMETERY, PET**: Land used or intended to be used for the burial of pets.
43. **CHANNELIZED DRIVEWAY:** A driveway that includes a physical design that prevents left turns into and out of a site. This design may be supplemented by signs, but signs alone shall not meet the requirement for a channelized driveway.
44. **CHILD CARE ORGANIZATION:** A facility for the care of minor children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such care organizations shall be further defined as follows:
    A. **Child care center or day care center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care 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. **Family day care home:** A private home in which 1 but less than 7 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
    C. **Group day care home:** A private home in which more than 6 but not more than 12 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
    D. **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 purpose, 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 or convalescent homes, boarding schools, or an adult foster care facility in which a child has been placed.
    E. **Foster family home:** A private home in which at least 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 twenty four (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. **Foster family group home:** A private home in which more than 4 but fewer than 7 minor 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 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

45. **CHURCH AND RELIGIOUS INSTITUTIONS:** Any structure wherein persons regularly assemble for religious activities.

46. **CLUB:** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

47. **COLLOCATION**: The location by two (2) or more wireless communication facilities on a common structure, tower, or building, with the intention of reducing the overall number of structures required to support wireless communication antennas within the Township.

48. **COMBINE OR COMBINATION:** The act or product of creating a new lot from two or more smaller parcels of land.

49. **COMMISSION:** The Hartland Township Planning Commission.

50. **COMMON ON-SITE DISPOSAL SYSTEM:** A privately owned on-site sanitary sewage system serving more than one residential unit, maintained by a private association of homeowners and approved by local and state health authorities.

51. **COMMON ON-SITE WATER SYSTEM:** A privately owned on-site water system serving more than one residential unit, maintained by a private association of homeowners and approved by local and state health authorities.

52. **COMMON USE LOT (keyhole):** A lot, parcel, common elements (see Condominium), condominium unit or any combination thereof, including water frontage, owned by a person or persons that provides or is intended to provide keyholing, access to or common use of a lake to (1) non-owners of the common use lot; (2) multiple owners of a common use lot; (3) non-riparian lots, parcels or condominium units; (4) non-riparian lot, parcel or condominium Unit owners; (5) to the general public; (6) to an association or its members; or (7) to more than one dwelling unit.

53. **COMPOST**: A mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning the land.

54. **COMPREHENSIVE PLAN:** The Comprehensive Plan is a document which is prepared under the guidance of the Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township. Also referred to as Master Plan.

55. **CONDOMINIUM:** A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Michigan 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. For the purposes of these zoning regulations, condominium terms shall be defined as follows:

    A. **Common elements:** Portions of the condominium project other than the condominium units.

    B. **Condominium act:** Shall mean Michigan Public Act 59 of 1978, as amended.

    C. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this Ordinance. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback contained in Section 3.1, Districts Established.

    D. **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 Michigan Public Act 59 of 1978, as amended. For condominium developments, the building envelope shall be illustrated on a site plan.

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

F. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.

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

H. **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 these Zoning Regulations and the Condominium Act.

I. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.

J. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.

K. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

L. **Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

M. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

56. **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 services, such as transportation and limited medical care.

57. **CONVENIENCE STORE:** A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

58. **CUL-DE-SAC:** A short minor street with only one point of access to another non-cul-de-sac road and being permanently terminated at the other end by a vehicular turn-around.

59. **CUL-DE-SAC CIRCLE:** The surface that terminates a cul-de-sac permitting vehicles to turn around while maintaining a forward driving gear.

60. **DEAD END STREET:** A street with only one point of access for vehicular traffic and not provided with a vehicular turn around at the other end.

61. **DECK:** An open horizontal structure attached to the principal building utilized for recreational and leisure activities.

62. **DEDICATION:** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest, or of a less fee interest, including an easement.

63. **DENSITY:** The number of dwelling units per acre of land.

64. **DEVELOPER:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

65. **DEVELOPMENT:** Any man-made change to alter the existing land use of a parcel of land including but not limited to the construction, reconstruction, or relocation of buildings, structures or site improvements.

66. **DISTRICT, ZONING:** A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance, or within which certain lot areas, yards, open spaces, and other requirements are established or within which a combination of such aforesaid conditions are applied.

67. **DIVIDE OR PARTITION**: The splitting, separating or development of a parcel of land into parts by changing the boundaries and legal description, where such splitting or separating of land is not accomplished pursuant to platting procedures under the Land Division Act, Michigan Public Act 288 of 1967, as amended, or the Condominium Act, Michigan Public Act 59 of 1978, as amended.

68. **DOCK, DOCKED or DOCKING**: The mooring of a boat directly to a pier or other structure, including but not limited to a platform, hoist, ramp, or other permanent or seasonal fixture or structure extending from the shore or placed in the water off the shore, and directly accessible to water frontage; and shall also mean the regular anchoring of a boat adjacent to water frontage; and shall also mean the placement or storage of a boat, temporarily or permanently, upon the water frontage or shoreline.

69. **DRAINAGE:** The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

70. **DRIVE-THRU FACILITY:** Any building and/or structure constructed and/or operated for the purpose of providing goods or services to customers who remain in a motor vehicle during the course of the transaction.

71. **DRIVEWAY:** A private way intended to provide access to no more than one (1) parcel or dwelling unit.

72. **DRIVEWAY, COMMERCIAL**: The point of access to a single commercial, industrial or institutional use, lot, parcel or yard that provides a means of ingress, egress, and circulation for vehicles and traffic to, from, and between the road, and the principal or accessory building, use, or structure.

73. **DRIVEWAY, SHARED**: A private way intended to provide access to no more than two (2) parcels or single family dwelling units. Shared driveways shall be subject to easement and maintenance agreements.

74. **DRIVEWAY, SHARED COMMERCIAL**: A commercial driveway not otherwise designated as a private road designed to provide shared access to two or more uses, lots, parcels, or yards.

75. **DRIVING RANGE**: A facility equipped with distance markers, clubs, balls, and tees for practicing golf drives.

76. **DWELLING, MULTIPLE FAMILY:** A building used or designed as a residence for three or more families for residential purposes living independently of one another, with separate housekeeping, cooking and bathroom facilities for each. Multiple family dwellings include the following:

    A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.

    B. **Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

77. **DWELLING, ROW:** Any one of three or more attached dwellings in a continuous row, each such dwelling being designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.

78. **DWELLING, SINGLE-FAMILY:** A detached building designed for or occupied exclusively by one (1) family for residential purposes.

79. **DWELLING, TWO-FAMILY:** A detached building designed for or occupied exclusively by two (2) families for residential purposes living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex.

80. **DWELLING UNIT:** Any house, apartment, condominium unit, building or any portion thereof which is occupied or intended to be occupied as a home, residence, or sleeping place of or by a family or unrelated persons either permanently or transiently.

81. **EARTH-SHELTERED HOME:** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

82. **EASEMENT:** A grant by the property owner of the limited use of private land by the public, a corporation, or private person or persons for a specific public or quasi-public purpose or purposes.

83. **ENGINEER, TOWNSHIP:** The Township Engineer is the person or firm designated by the Township Board to advise the Township administration, 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 an employee of the Township.

84. **ERECT:** Any physical operation on a site required for the construction, relocating, or reconstruction of a building or structure, including excavations, fill, drainage and the like.

85. **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or governmental agencies of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience or welfare, but not including office buildings, generating sources and facilities, or maintenance depots. Essential services shall not include cellular telephone towers, gas sweetening plants, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

86. **EXCAVATION:** The removal or movement of soil, sand, stone, gravel, or fill dirt except for common household gardening, farming, and general ground care..

87. **FAMILY:** means either of the following:

    A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one 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 which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/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. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special use based upon the applicable standards in this Ordinance.

88. **FARM:** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but not limited to, forage and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products. To be considered a farm hereunder, the parcel shall contain ten (10) or more contiguous acres. For the purposes of this Ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, piggeries, greenhouses or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land of not less than 40 acres. A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for education, demonstration, or recreational purposes. Such quasi-farm operations may be known as “petting zoos” or “model farms” or “interpretative farms”.

89. **FARM BUILDING:** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of agricultural activities.

90. **FARM MARKET:** A building or structure for the display and retail sale of farm products, open for business no longer than nine (9) months per year.

91. **FARMSTEAD:** All buildings including dwelling (s) and adjacent service areas of a farm.

92. **FEEDLOT:** A commercial animal operation having cattle, horses, pigs, sheep, goats or other domesticated animals for concentrated feeding within a confined area.

93. **FENCE:** An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

94. **FENCE, DECORATIVE:** An artificially constructed barrier of wood, metal or any other manufactured materials which is erected solely as a landscaping adornment, which does not function as a barrier to movement from one point to another and which serves no true enclosing function.

95. **FILLING:** The deposit, spreading or dumping of any matter (for example, earth materials, solid waste) into or onto the ground except common household gardening, farming and general ground care.

96. **FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

97. **FLOODPLAIN:** Any land area susceptible to being inundated by flood waters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

    A. That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year base flood.

    B. Principal estuary courses of wetland areas that are part of the river flow system.

    C. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

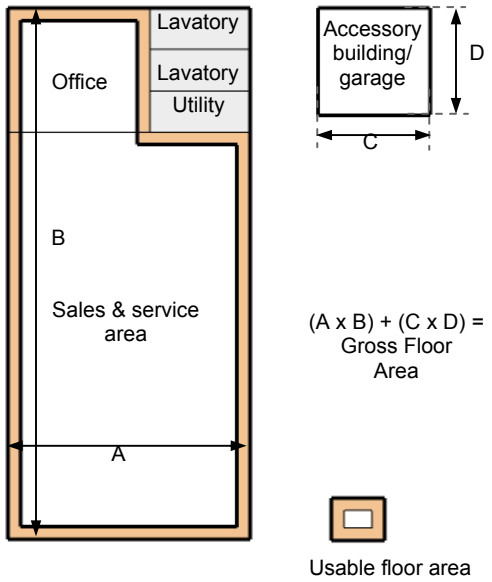
98. **FLOODWAY:** The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge flood waters without cumulatively increasing the water surface elevation more than one foot.

99. **FLOOR AREA, GROSS:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

100. **FLOOR AREA, USABLE RESIDENTIAL:** The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

101. **FLOOR AREA, USABLE NONRESIDENTIAL:** The sum of the horizontal areas of each floor, measured from the interior face of exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area. For the purposes of computing required parking eighty percent (80%) of the sum gross floor area may be used. ✍

FLOOR AREA, USABLE NONRESIDENTIAL



102. **FOOD & BEVERAGE STORES** Establishments for the sale of groceries, fruit and meat, baked goods, dairy products, beverages and liquor.

103. **FOOD & BEVERAGE SERVICE:** Establishments that serve food and beverages, including restaurants, dairy bars, and taverns, including outdoor cafes. See also Restaurant.

104. **FRONTAGE**: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the public or private road right-of-way or waterfront. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

105. **FRONTAGE, THROUGH AND CORNER LOTS**: All sides of a lot that abut a public or private road shall be considered frontage

106. **FRONTAGE, WATERFRONT**. In the case of a waterfront lot, the horizontal distance is measured at the point where the side lot lines intersect the ordinary high watermark of the lake.

107. **FUNERAL HOME OR MORTUARY:** An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

108. **GARAGE SALES/YARD SALES**: The sale of used household or personal articles held on the seller's own premises.

109. **GOLF COURSE OR COUNTRY CLUB:** The premises upon which the game of golf is played, including clubhouses, pro-shop, parking lots, swimming pools, tennis courses, or other facilities or uses customarily incidental to a golf course or country club.

110. **GRADE:** A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

111. **HOME OCCUPATIONS:** An occupation or profession conducted within a dwelling or on a residential lot by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence.

112. **HOSPITAL, GENERAL:** An institution providing human health services, licensed by Michigan Department of Health, primarily for inpatient and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff services. A general hospital includes 24 hour emergency care services, and in-patient/out-patient diagnostic and therapeutic services, and medical clinics. A general hospital may include a specialty hospital or hospitals.

113. **HOTEL:** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: Maid service; furnishing of linen; telephone, secretarial, or desk service; bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

114. **IMPACT ASSESSMENT:** The impact assessment is an explanatory document designed to specifically address the impact of a proposed use on the natural features, economic condition and social environment of the township. The purpose of the impact assessment is to fully explain the developer's choice of alternatives in developing a site and to enable careful attention to the proposal's effect on public costs and services, on existing and planned uses in the vicinity of the site. The impact assessment must explain and propose protective measures for the impact of the proposed development on the physical environment.

115. **IMPERVIOUS SURFACE:** Man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of 5 percent or less. Impervious surface shall include pavement, buildings and structures.

116. **INDUSTRIAL PARK:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

117. **INDUSTRY, HEAVY:** Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industry" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and truck terminals.

118. **INDUSTRY, LIGHT:** A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

119. **INFRASTRUCTURE:** A system of permanent installations of utilities and roads designed to accommodate development.

120. **INSTITUTION:** A non-profit corporation or a non-profit establishment for public use.

121. **INSTITUTION OF HIGHER LEARNING:** A public or private college, university, and other such institutions offering courses in general, technical, or religious education.

122. **INSTITUTIONAL USES, LARGE SCALE:** Public, parochial and private schools, churches, libraries, community buildings, or municipal facilities which have either one or both of the following characteristics:

   A. Five hundred (500) or more parking spaces are required based on the parking requirements in the Zoning Ordinance.

   B. The seating capacity of the main area of assembly is one thousand five hundred (1,500) or more.

   Large-scale institutions are distinguished by such features as: large size of assemblies and resultant traffic surges, large off-street parking lots, major institutional character or region-serving accessory facilities. Large-scale institutions have negative impacts on single family residential areas because of scale of buildings, parking, traffic and frequency of use, which are different from smaller institutional uses which have traditionally been compatible with single family areas. Because of these impacts, large-scale institutions are more compatible with multiple family or non-residential districts, subject to conditions, which minimize the impacts.

123. **JUNK:** For the purpose of this Ordinance, the term junk shall mean any motor vehicle, machinery, appliances, products or merchandise with parts missing and inoperable; or scrap metals or other scrap materials that are damaged or deteriorated.

124. **JUNK OR SALVAGE YARD:** These terms include automobile wrecking yards and any area of more than two-hundred (200) square feet used for the storage, keeping or abandonment of junk (as defined herein), including scrap metals or other scrap materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but they do not include uses established entirely within enclosed buildings, or farm machinery or historical vehicles stored out of view of the traveling public.

125. **KENNEL:** Any lot or premises on which more than four (4) dogs, cats or other domesticated household pets six (6) months or older are kept either permanently or temporarily, either for sale, breeding, boarding or training for remuneration.

126. **KEYHOLING:** The method for providing access to a body of surface water by means of a lot, parcel or easement for the owners and occupants of inland lots and parcels which do not abut the shoreline of a body of surface water and do not have riparian rights of access to the body of surface water.

127. **LAKE:** A natural or artificial body of surface water encompassing five *(5)* acres or more, which retains water year round.

128. **LAND:** All earth surface areas occupied by real property.

129. **LANDFILL:** A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

130. **LANDSCAPING:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

A. **Berm:** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.

B. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Livingston County, Michigan.

C. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.

D. **Ground cover:** Low-growing, spreading plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

E. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

F. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.

G. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.

H. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

I. **Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

J. **Planting:** A young tree, vine or shrub that would be placed on or in the ground.

K. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

L. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base that is planted for aesthetic purposes such as colorful flowers, interesting bark or fall foliage.

i. Small shrubs grow to a height of approximately twenty-four (24) inches at maturity.

ii. Medium to Large shrubs typically grow between three feet and ten feet at maturity.

iii. Large shrubs typically grow between fifteen (15) feet to forty (40) feet in height at maturity.

M. **Sod:** An area of grass-covered surface soil held together by matted roots.

N. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Livingston County, Michigan.

i. **Canopy Tree**: Large trees growing over forty (40) feet in height at maturity, usually deciduous, that is planted to provide canopy cover/shade.

ii. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.

iii. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year and typically reach over twenty-five (25) feet at maturity.

iv. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

131. **LAND USE PERMIT:** A permit issued by the Township Zoning Administrator to a party or parties intending to initiate any work upon property or change any use of property in the Township.

132. **LIVESTOCK:** Cattle, horses, sheep, swine, poultry or any other domesticated animal (as defined herein) or fowl which are being produced primarily for purposes of commercial gain.

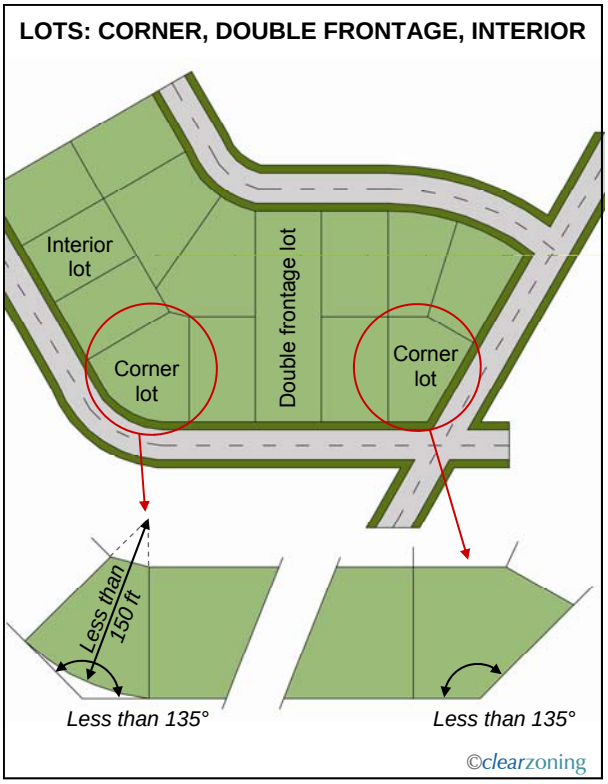
133. **LOADING SPACE:** An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading bulk merchandise or material; designed to accommodate the maneuvering area needed by expected sizes of delivery vehicles when all off-street parking spaces are filled.

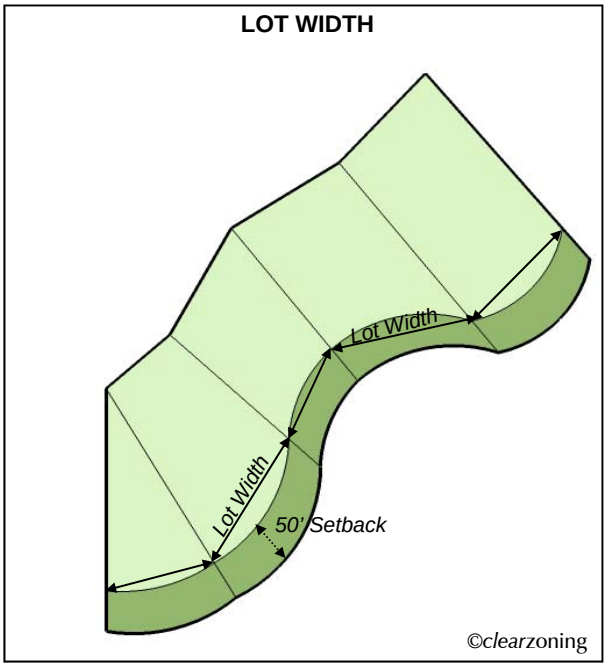
134. **LOT:** An undivided tract of land which is vacant, occupied or intended to be occupied, by a main building and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. Such tract of land shall be of sufficient area to meet minimum requirements under this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds or a condominium lot.

135. **LOT AREA:** The total horizontal land area within the boundaries of a lot or parcel, which include private road or shared driveway easements or portions of private road and shared driveway easements immediately adjacent to or abutting the lot.

136. **LOT, CONTIGUOUS:** Lots or parcels of land adjoining each other.

137. **LOT, CORNER:** A lot at the junction of and fronting on two or more intersecting public road rights-of-way, or private road easements wherein the interior angle of such intersection is not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if the tangents through the extreme point of the road lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved road line, the corner is that point on the road lot line nearest to the point of intersection of the tangents described above. ✍





138. **LOT COVERAGE:** The part or percent of the total area of a lot or parcel that is occupied by buildings, and structures, and areas of impervious surfaces, including accessory buildings and structures. Decks, porches garden houses, sheds, paved driveways, parking areas, game courts, and other man-made impervious surfaces shall also be included in lot coverage unless otherwise stated in this Ordinance. For single family lots less than 32,670 square feet, a fifteen (15) foot section of the paved or impervious surface driveway measured from the front lot line to the front of the principal building which serves as the sole vehicle access to the single family residential dwelling shall not be included in the percentage allowed for lot coverage. For all properties, sidewalks and safety paths located adjacent to or within the right-of-way shall not be included in lot coverage calculations.

139. **LOT DEPTH:** The horizontal distance from the front lot line to the rear lot line, measured along the median between the side lot lines.

140. **LOT, DOUBLE FRONTAGE:** An interior lot (that is, a non-corner lot) having frontages on two (2) more or less parallel streets as distinguished from a corner lot. ✍

141. **LOT, FLAG**: A large lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.

142. **LOT LINES:** The property lines bounding the lot as defined herein:

   A. **Front Lot Line:** In the case of a lot abutting any public or private road or shared driveway which serves more than two (2) dwellings, the line separating such lot from such road or shared driveway right-of-way or recorded road easement.

   B. **Rear Lot Line:** The lot line which is opposite and most distant from the front lot line of the lot. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, 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. A side lot line separating a lot from another lot or lots is an interior side lot line.

143. **LOT OF RECORD:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Livingston County Register of Deeds or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Livingston County Register of Deeds.

144. **LOT, SUBDIVISION:** A piece of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Livingston County Register of Deeds.

145. **LOT, WATERFRONT:** A lot which abuts, adjoins or is contiguous to a private or public body of water or live stream.

146. **LOT WIDTH:** The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines. ✍

147. **LOT, ZONING:** A single tract of land which, at the time of filing for a land use permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership and control. A zoning lot shall satisfy the Zoning Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record, or portions thereof. When used in this Ordinance, the term "lot" shall generally refer to a "zoning lot," unless otherwise specified.

148. **MAJOR THOROUGHFARE**: A road determined by the Township to be a principal arterial, minor arterial, or major collector.

149. **MANUFACTURED HOUSING:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and

B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and

C. The structure is designed to be used as either an independent building or as a model to be combined with other elements to form a complete building on the site.

150. **MDEQ:** The Michigan Department of Environmental Quality.

151. **MEZZANINE:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located. (See Illustration "Story")✍

152. **MOBILE HOME:** A type of manufactured housing that is transportable in one (1) or more sections, which is built on a chassis and designed to be used as a single family dwelling with or without permanent foundation, when connected to the required utilities. These utilities shall include the plumbing, heating, air-conditioning, and electrical systems contained within the structure. Mobile home shall not include recreational vehicles, motor homes, campers, or other transportable structures designed for temporary use and which are not designed primarily for permanent residence.

153. **MOBILE HOME COMMISSION ACT:** Act 96, Public Act of 1987, as amended.

154. **MOBILE HOME PAD:** That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

155. **MOBILE HOME PARK:** Any parcel or tract of land upon which three (3) or more mobile homes are located on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made or not. This includes any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

156. **MOTEL:** A building or group of attached or detached buildings containing individual sleeping or living units for overnight guests with parking facilities conveniently located to each such unit. Accessory features such as a swimming pool, restaurant(s) and meeting room(s) may be included.

157. **NOISE:** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. The terms used in this section shall have the meaning ascribed to them as follows. Terms used in this Ordinance but not defined below shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body.

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 pm to 7:00 am the following day increased by 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 second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, impact, machines such as presses engaged in punching and forming, 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. For the purposes of this ordinance, a Noise Disturbance shall be further defined as any sound which exceeds the limits set forth in Table A, following, or other standards set forth in this section.

F. **Noise Sensitive Zone:** An area which contains noise sensitive activities such as but not limited to, operations of school libraries, churches, hospitals, and nursing or convalescent homes.

G. **Pure Tone**: Any sound which can be distinctly heard as a single pitch or a set of single pitches.

H. **Sound**: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

I. **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.

J. **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.

158. **NONCONFORMING BUILDING:** A building or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.

159. **NONCONFORMING LOT:** A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area, size, frontage, or dimensional requirements of the district in which the lot is located.

160. **NONCONFORMING USE:** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

161. **NURSERY, PLANT MATERIAL:** A space, building, structure or combination thereof utilized for the storage of live trees, shrubs or plants offered for retail sale on the premises. Products incidental to gardening and landscaping such as, fertilizers, garden tools may also be offered for retail sale.

162. **NURSING OR CONVALESCENT HOME:** A facility with sleeping rooms, designed for older persons who need a wide range of health and support services, including personal nursing care and where such people are lodged and furnished with meals and nursing care for hire. Services provided are authorized and licensed by state and/or county authorities.

163. **OCCUPANCY, CHANGE OF:** The term "change of occupancy" shall mean discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

164. **OIL OR GAS PROCESSING PLANT:** A facility designed for separating, metering, holding and marketing of oil and gas production, Including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

165. **OFFICE, GENERAL**: A building or group of buildings which serve as offices for professional, executive and administrative uses, including the offices of architects, accountants, insurance, government and financial institutions.

166. **OFFICE, MEDICAL**: A building or structure used by physicians, dentists, osteopaths, chiropractors, and/or allied professionals for outpatient care of persons requiring such professional services. Medical clinics are considered medical offices.

167. **OFFICE-RESEARCH PARK:** A group of structures located on a lot(s) or parcel(s) ten (10) acres or more in size. Uses therein are limited to those allowed under the RDP Research and Development Park Zoning District. Uses contained therein share common points of access from adjoining road (s) as well as responsibility for maintenance of any common areas and/or facilities incorporated in the final site plan approved by the Township.

168. **OPEN AIR BUSINESS USES**: Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, open air business shall include: retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, lawn furniture, and Christmas trees and outdoor displays of structures, equipment and vehicles sold or leased on the premises.

169. **OPEN SPACE:** An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

170. **OPEN SPACE, USABLE**: A land area suitable for active recreation.

171. **OPERABLE DOORS:** Part of a building facade that provides ingress and egress between the interior of the structure and the exterior of the structure.

172. **ORDINARY HIGH WATER MARK:** The ordinary high water mark as that term is defined in Section 2 of the Inland Lakes and Streams Act of 1972.

173. **OUTDOOR STORAGE:** The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

174. **OUTLOT:** A lot in subdivision which is restricted from use for building purposes, whether or not deeded to the Township but which is not dedicated as a street or public reservation or private park.

175. **OWNER:** The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land; including anyone who has any form of ownership in real property as included in the definition of ownership.

176. **OWNERSHIP:** Shall include any and all forms of ownership in real property, including fee simple; easement; option to purchase; leasehold, if for more than one year; land contract, or any other definable legal form of ownership.

177. **PARAPET:** The extension of a false front or wall above a roof line.

178. **PARCEL:** A continuous area or acreage of land that is not included in a subdivision as regulated by the Michigan Land Division Act, being MCL 560.101 et seq., nor included in a condominium as regulated by the Michigan Condominium Act, being MCL 559.101 et seq.

179. **PARENT PARCEL OR PARENT TRACT:** A parcel or tract, respectively, lawfully in existence on January 26, 2000.

180. **PARK:** A publicly or quasi-publicly owned primarily natural passive recreation area with woodlands, wildlife and other natural land areas and surface water features, but which may include incidental active recreation facilities; such as playfields, court games, playground apparatus, gardens, picnic areas, small zoos, boating and canoeing, bathing swimming facilities, and incidental buildings and structures in relation to the previous.

181. **PARKING LOT, OFF-STREET:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

182. **PARKING SPACE:** An area of not less than one-hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Maneuvering space planned for shall in no instance encroach upon any public right-of-way.

183. **PAVEMENT:** Asphalt, brick, or concrete placed on a surface to be flat, hard and smooth so as to facilitate vehicular travel.

184. **PERFORMANCE GUARANTEE:** A financial guarantee to insure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, other pertinent regulations, and the approved plans and specifications of a development.

185. **PERSON:** A natural person, firm, trust, limited liability company, partnership, corporation, association, including a condominium association, homeowners or lake association, or any other legal entity or combination thereof.

186. **PERSONAL FITNESS CENTER**: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

187. **PERSONAL SERVICE ESTABLISHMENT:** Establishments providing services such as: art/music/dance instruction, barber shops, beauty shops, computer repair services, day spas, licensed massage therapy, laundromats, dry cleaning drop-off/pick-up, photography studios, printers, tailors, travel agencies, and similar uses as determined by the Planning Commission.

188. **PET, FAMILY:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

189. **PLANNED DEVELOPMENT**: A unified, integrated planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility. The purpose of the flexibility allowed is to encourage innovation in land use planning and design, in order to achieve a higher quality of development than might otherwise be possible. Planned Developments typically, but not necessarily, contain a mix of land uses and may be permitted through the processes outlined in the PD District and other applicable provisions. Uses contained therein shall share responsibility for maintenance of landscaping, sidewalks, on-site common water supply and wastewater disposal systems, and/or other facilities used or held in common.

190. **PLANNER, TOWNSHIP:** The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township administration, Township Board, and Planning Commission on 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.

191. **PLAT**: A map or chart of a subdivision of land which has been approved in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended.

192. **POND:** A natural or artificial body of surface water encompassing less than five (5) acres, which retains water year round.

193. **PORCH:** A covered entrance to a building.

194. **PRE-EXISTING, NON-CONFORMING STRUCTURE:** A structure lawfully existing at the effective date of this Ordinance, or amendments thereto, but which does not conform to the provisions of this Ordinance, or amendments thereto, in the District in which it is located.

195. **PRE-EXISTING, NON-CONFORMING USE:** A use which lawfully occupied a building, structure, or land at the effective date of this Ordinance, or amendments thereto, but which does not conform to the provisions of this Ordinance in the District in which it is located.

196. **PRINCIPAL BUILDING:** A building within which is conducted the main use of the lot upon which it is situated.

197. **PRINCIPAL PERMITTED USE:** A use listed as a principal use permitted in the respective Zoning District pursuant to this Zoning Ordinance text and as designated on the adopted Zoning Map.

198. **PROPERTY LINE:** A line of record bounding a land holding, dividing and distinguishing that land holding from other land holdings as well as from public or private right-of-ways, recorded easements or public space.

199. **PUBLIC SAFETY OFFICIAL:** The Public Safety Official refers generally to the departments or persons who perform police, fire fighting, and other public safety functions for the Township.

200. **PUBLIC UTILITY:** Any person, firm, or corporation, municipal department, commission or board duly authorized to furnish and furnishing under federal, state or township regulations directly to the public: electricity, gas, steam, communications, telegraph, transportation, cable television, water or sewer service, and telephone lines (not cellular phone transmissions).

201. **RAVINE:** An area constituting a "young valley" which adjoins a perennial or intermittent water course. It includes the bottom lands of the ravine as well as the side walls to a point where the slope is less than fifteen (15) percent.

202. **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 or reduction in the degree of nonconformity in a nonconforming use or structure.

203. **RECREATION AREA:** A primarily active daytime and evening recreation and athletics area organized for individual, team and spectator indoor and outdoor sports and athletic activities.

204. **RECREATION, LAND EXTENSIVE:** Recreational uses that require large amounts of land, with relatively low ratio of people to land , including hunting, fishing, snowmobiling, cross country skiing and nature study.

205. **RECREATIONAL VEHICLE:** A vehicle or a unit that is self-propelled or that is mounted on or drawn by another vehicle when said vehicle or unit is designed primarily for temporary living. Recreational vehicles include, but are not limited to, travel trailers, camping trailers, truck campers and motor homes.

206. **RECREATIONAL SITE:** Any Common Use Lot intended for recreational purposes including, but not limited to, swimming, sunbathing, lounging, volleyball, beach uses, boating, water sports, playgrounds, or other similar activities.

207. **RECREATIONAL VEHICLE PARK:** A site on which campsites are established for occupancy by recreational vehicles, as defined herein, owned by individual members of the general public as temporary living quarters for purposes of recreation or vacation. This includes any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a temporary trailer park. (See also "Campground")

208. **RECYCLING CENTER:** A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

209. **RECYCLING COLLECTION STATION:** A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

210. **RESALE SHOP:** A facility for the sale of used men's, women's, and/or children's clothes and accessories, decorative household furnishings and wares.

211. **RESIDENTIAL DISTRICTS:** As used in this Ordinance, those zoning districts which permit dwelling units as uses permitted by right.

212. **RESTAURANT:** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-thru, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

    A. **Restaurant, carry-out:** A restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

B. **Delicatessen:** A restaurant that offers meats, cheese, prepared foods and beverages ready to consume or on a retail basis. A delicatessen may include both carry-out and patron seating.

C. **Restaurant, drive-in:** A restaurant whose method of operation involves delivery of prepared food so as to allow consumption primarily in a motor vehicle. A drive-in restaurant may also have interior seating.

D. **Restaurant, drive-thru:** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-thru window, for consumption off the premises.

E. **Restaurant, fast food:** A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

F. **Restaurant, standard:** A restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

G. **Bar/lounge:** A bar or lounge, including a tavern, is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar, lounge, or tavern is part of a larger dining facility, it shall be defined as that part of the structure so designed or operated.

213. **RIDING ARENA:** An area enclosed within a building or fence which is intended to be used as a place to ride horses.

214. **RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

215. **RIGHT TO FARM ACT** (P.A. 93 OF 1981, as amended) **:** includes the use of irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors, farm laborers and application of natural and/or chemical fertilizers, insecticides and herbicides; all for the purpose of producing from the land agricultural products such as (but not limited to) vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds, dairy products, fowl or livestock. The foregoing uses and activities included in the right to farm, when reasonable and necessary for the particular farming, livestock or fowl production, and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekdays, at night and in the day, and the noise, odors, dust and fumes that are specifically permitted as part of the exercise to this right. It is expressly found that whatever nuisance may be caused to others by such uses and activities so conducted is more than offset by the benefits from farming to the neighborhood, community, and society in general.

It is expressly found that whatever nuisance may be caused to others by such uses and activities so conducted is more than offset by the benefits from farming to the neighborhood, community, and society in general.

216. **ROAD:** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, lane, court, or any similar designation. As used in this Ordinance, the definition of road does not include driveways that are intended to provide access for up to two parcels or up to two dwelling units. Consistent with the Township's Comprehensive Plan, road classifications are as follows:

A. **Principal Arterials** are roadways that serve through traffic by providing routes of long distance. They provide service between communities, expressways, and other large traffic generation destinations.

B. **Minor Arterials** are similar in function to principal arterials, except they carry trips of shorter distance to lesser traffic generators.

C. **Major Collector routes** are important intra-county travel corridors, providing service to county seats, larger towns, and other traffic generators of note not served by principal or minor arterials.

D. **Minor Collector routes** serve the Township by providing service to less intense land uses and links to locally important traffic generators. These roads collect traffic from local roads and private property and direct it toward major collectors and arterials.

E. **Local Roads** provide direct access to abutting land and to minor collector roads. The majority of the Township consists of private and public local roads.

217. **ROAD, HARD SURFACE:** A road with a surface consisting of asphalt or concrete which meets the prevailing Livingston County Road Commission specifications and standards.

218. **ROAD, IMPROVED:** A hard surfaced road as defined in this Ordinance.

219. **ROAD, MARGINAL ACCESS:** A road generally constructed parallel to a through road and designed to provide access to abutting properties so that these properties are separated from the through traffic in order to facilitate and regulate movement between and access to commercial parking lots along that through road, while protecting both the safety of motorists and the integrity of the adjoining through road by minimizing curb cuts (and associated turning movements) that complicate traffic flow patterns and create safety problems.

220. **ROAD, PRIVATE:** Any road that is to be privately maintained and has not been accepted for maintenance by the Livingston County Road Commission or the State of Michigan, but which meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.

221. **ROAD, PUBLIC:** Any road or portion of a road that has been dedicated to and accepted for maintenance by the Livingston County Road Commission or the State of Michigan.

222. **ROADBED:** The area of the roadway between the tops of the foreslopes.

223. **ROADSIDE:** The area within the right-of-way and outside the shoulder lines of a roadbed.

224. **ROADSIDE STAND:** A temporary use or structure designed and used for the display and/or sale of agricultural products produced on the premises upon which the stand is located and operated by the proprietor of the stand or his family. Such use shall not make into a commercial district land which would otherwise be agricultural, nor shall its use be deemed a commercial activity.

225. **SENIOR HOUSING:** A building or group of buildings containing dwellings intended to be occupied by elderly persons, as defined by the Federal Fair Housing Act, as amended. Housing for the elderly may include independent and/or assisted living arrangements but shall not include nursing or convalescent homes regulated by the State of Michigan.

226. **SERVICE DRIVE:** Any private road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties. Also referred to as "Road, Marginal Access" .

227. **SETBACK, MINIMUM REQUIRED:** The minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see "Lot Lines" and "Yard").

228. **SEXUALLY ORIENTED BUSINESSES:** As used in this Ordinance the following definitions shall apply to sexually oriented businesses:

A. **ADULT ARCADE**: means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

B. **ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE** means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

ii. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as Adult Bookstore, Adult Novelty Store, or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

C. **ADULT CABARET** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

i. Persons who appear in a state of nudity or semi-nude; or

ii. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or

iii. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

D. **ADULT MOTEL** means a hotel, motel or similar commercial establishment which:

i. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

iii. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

E. **ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

F. **ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

G. **EMPLOYEE** means a person who performs any service on the premises of Sexually Oriented Businesses on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

H. **ESCORT** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

I. **ESCORT AGENCY** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

J. **NUDE MODEL STUDIO** means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Michigan or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

   i. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

   ii. where in order to participate in a class a student must enroll at least three days in advance of the class; and

   iii. where no more than one nude or semi-nude model is on the premises at any one time.

K. **NUDITY OR A STATE OF NUDITY** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

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

M. **SEMI-NUDE OR IN A SEMI-NUDE CONDITION** means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

N. **SEXUAL ENCOUNTER CENTER** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

   i. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

   ii. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

O. **SEXUALLY ORIENTED BUSINESSES** mean adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, or sexual encounter centers.

P. **SPECIFIED ANATOMICAL AREAS** means:

   i. the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

   ii. less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Q. **SPECIFIED SEXUAL ACTIVITIES** means any of the following:

   i. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

   ii. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

iii. excretory functions as part of or in connection with any of the activities set forth in A through B above.

229. **SHOPPING CENTER:** A grouping of retail businesses and service uses on a single site with common parking facilities.

230. **SHORELINE**: The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

231. **SHOULDER:** That portion of the roadbed contiguous with the traveled way that is provided for the use of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

232. **SIGN:** Any device, structure, fixture or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons and which is visible from any public street, right-of-way, easement, sidewalk, alley, park or other public place. Various sign related terms are defined as follows:

A. **Agriculture Sign:** A sign used to identify an agriculture or farm operation.

B. **Animated Sign:** A sign using lights, moving parts, or other means to depict action or create any image, special effect or scene.

C. **Banner Sign:** A portable sign made of fabric, cloth, paper, or other non-rigid material.

D. **Billboard:** See Off-Premise Sign or On-Premise Advertising Sign in the event that the property owner adjacent to the sign location advertises on the subject sign.

E. **Canopy Sign:** A sign that is painted, printed, or attached flat against the surface of an awning.

F. **Changeable Copy Sign, Manual:** A reader board attached to a permitted sign or the exterior of a wall where the copy is changed manually.

G. **Commercial Vehicle Sign:** A sign painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

H. **Community Special Event Sign:** Signs including decorations and displays celebrating patriotic or religious holidays, or special municipal, non-profit association, or school activities.

I. **Construction Sign:** A sign identifying the project owners, designer, contractors, subcontractors, engineers, landscape architects, financiers, material suppliers or any other persons or entities participating in construction or improvements on the property which the sign is located, and may include donated services. This sign does not include any advertisement of any product or announcement of space availability.

J. **Directional Sign:** A sign that is intended to direct the flow of vehicular and pedestrian traffic to, from, and within a development site.

K. **Donor Recognition Sign:** A temporary sign, other than a construction sign, for the express purpose of recognizing donors to a permitted construction project undertaken by a public or quasi-public, municipal or non-profit entity. In the case of a public park or similar outdoor space where no principal building with indoor gathering space exists, such signage may also include temporary recognition of sponsorships or similar types of donations.

L. **Electronic Sign:** A sign that provides a display created by electronic means such as lights, television or liquid crystal display, or other like technology.

M. **Festoon:** A string of ribbons, tinsel, small flags, pinwheels, lights, or similar items typically strung overhead.

N. **Flashing Sign:** A sign that contains an intermittent or sequential flashing light source.

O. **Fuel Price Sign:** A sign which is used to advertise the price of fuel. In the event that the brand identification sign is attached to or is part of the sign advertising price, that portion of the sign used for advertising price shall be considered part of the fuel price sign. Electronic signs are not permitted.

P. **Historical Marker:** A sign or plaque, including a narrative statement, describing local, state or national designation as a historic site or structure when issued by a recognized local, state or national agency.

Q. **Illegal Sign:** A sign that does not meet the requirements of this Ordinance and that is not a legal nonconforming sign.

R. **Illuminated Sign:** A sign that is lit by artificial light by either emission or reflection.

S. **Incidental Sign:** A small sign, emblem, or decal informing the public of goods, facilities, or services available upon the premises. Examples include credit card signs, hours of operation signs, no smoking signs, signs designating restroom facilities, and signs providing information on business affiliations.

T. **Inflatables:** A portable sign consisting of a non-porous bag or balloon.

U. **Integral Sign:** Signs containing names of buildings, dates of erection, monument citations and commemorative tablets when carved in stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure. Such sign shall not include any advertisement.

V. **Mansard:** A sloped roof or roof-like surface. Signs mounted on the face of a mansard roof shall be considered 'wall signs'.

W. **Menu Board:** A sign used to display menu items, typically containing a communication system for placing orders at an approved drive through business.

X. **Monument Sign:** A three-dimensional, self-supporting, solid base-mounted sign consisting of two or more sides extending up from the base and upon which a message is displayed.

Y. **Moving Sign:** A sign which moves or revolves. A 'rotating sign' is a type of moving sign.

Z. **Neon:** See Outline Tubing Sign.

AA. **Noncommercial Sign:** Signs containing non-commercial messages; such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrance.

BB. **Nonconforming Sign:** A sign which was erected prior to adoption or amendment of this Ordinance that was approved and constructed to the standards applicable at the time of approval.

CC. **Obsolete Sign:** A sign that advertises a product that is no longer available, a business no longer in service, or an activity or event that has already occurred.

DD. **Off-Premise Sign:** A sign that contains a message that is usually unrelated to goods, commodities, services, businesses or activities sold or offered upon the premises where such sign is located (i.e. Billboards).

EE. **On-Premise Advertising Sign:** A sign that contains a message related to goods, commodities, services, businesses or activities sold or offered upon the premises where the sign is located.

FF. **Owner/Tenant Sign:** An address or occupant name sign mounted on the wall of an office building. (See Exempt Signs, Section 5.26.3)

GG. **Outline Tubing Sign:** Signs consisting of exposed or visible glass tubing, filled with gases such as neon, that glow when electric current runs through them. (See Prohibited Signs, Section 5.26.4)

HH. **Panel**: A flat surface upon which letters and/or logo are affixed, i.e., light box, backer board, etc.

II. **Parapet:** The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered 'wall signs'.

JJ. **Parking Lot Sign:** A sign indicating restrictions on parking, such as handicap and loading zone restrictions, when placed within a permitted parking lot.

KK. **Pennant:** A triangular tapering flag, several of which are typically strung together on or across a site or building for the purpose of attracting attention.

LL. **Pole Sign:** A sign that is elevated above the ground on a pole or braces.

MM. **Political Sign:** A sign relating to matters to be voted on in a local, state, or national election or referendum.

NN. **Portable Sign:** Any sign designed to be moved easily whether or not it is permanently affixed to the ground or a building.

OO. **Projecting Sign:** A sign, other than a flat wall sign, that projects from the face of the building or structure upon which it is located.

PP. **Real Estate Sign:** An on-premise sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.

QQ. **Real Estate Development Sign:** An on-premise sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development that is under construction such as subdivisions or shopping centers.

RR. **Regulatory, Directional and Street Sign:** A sign erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices Manual

SS. **Residential Community Sign:** A sign that marks the entrance to a subdivision, apartment complex, condominium development, or other residential development

TT. **Roadside Stand Sign:** A sign which is used to advertise a temporary display and/or sale of agricultural products produced on the premises upon which the stand is located

UU. **Roof Sign:** A sign or any portion of a sign that is located above the top of the wall of a flat roof building, above the eave on a pitched roof building or above the deck line of a mansard roofed building.

VV. **Temporary Sign:** A sign not constructed or intended for long term use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

WW. **Under Hanging Sign:** A sign located or hanging from a canopy or soffit of a building. All under hanging signs shall be considered wall signs.

XX. **Wall Sign:** A sign attached parallel to the exterior surface of a building wall.

YY. **Window Sign, Permanent:** A permanent sign which is specifically designed for installation on the window surface or positioned within two (2) feet of the inside of a window displayed in a manner intended to be viewed from outside the window

ZZ. **Window Sign**, Temporary: A temporary sign which is affixed to or installed on the interior window surface or positioned within two (2) feet of the inside of a window displayed in a manner intended to be viewed from outside the window for a limited period of display.

233. **SITE CONDOMINIUM UNIT**: A piece of land, the dimensions and configuration of which are shown on a condominium plan recorded in the offices of the Livingston County Register of Deeds.

234. **SITE PLAN:** A plan showing all salient features of a proposed development so that it may be evaluated in order to determine whether or not it meets the provisions of this Ordinance.

235. **SLOPE:** The degree of upward or downward inclination.

236. **SOIL, SAND OR GRAVEL PROCESSING PLANT:** A facility designed for separating, holding and marketing soil, sand and/or gravel prior to sale of the final products.

237. **SPECIAL USE:** A use which, due to its unique characteristics cannot be properly classified as a permitted use in a particular zoning district or districts and which is subject to special approval by the Planning Commission and Township Board. A special use may be allowed only when there is a specific provision in the Ordinance. A special use is not considered to be a non-conforming use.

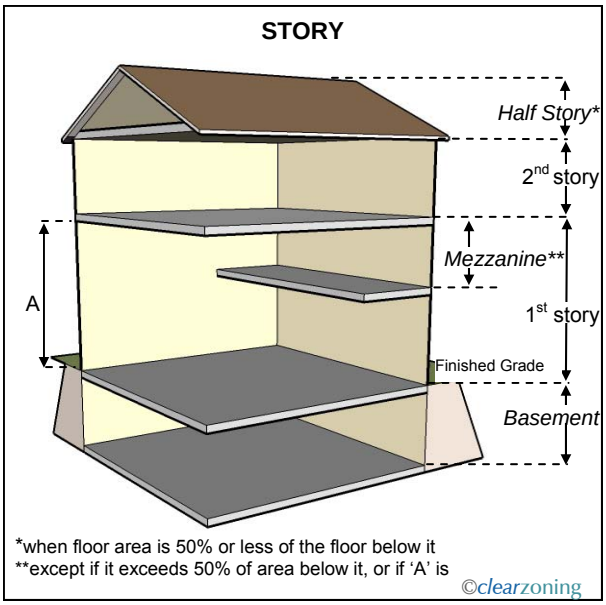
238. **SPECIALIZED ANIMAL RAISING AND CARE:** The raising and care of fur-bearing animals, the stabling and care of horses, animal kennels, bird raising or similar operations.

239. **STABLE, PRIVATE:** A building or structure used or intended to be used only for the housing of horses belonging to the owner of the property for non-commercial purposes.

240. **STABLE, PUBLIC:** A building or structure used or intended to be used only for the housing of horses on a fee basis. Riding instruction may be given in connection with a public stable.

241. **STATE LICENSED RESIDENTIAL FACILITY:** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979.

242. **STORY:** That portion of a building that is included between the surface of any floor and the surface of the floor immediately above it, or, if there is no floor above it, the space between the floor and ceiling or roof immediately above it. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.✍



243. **STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level, for a distance of 66% or less of the full floor below it.

244. **STREET:** Any vehicular way that: 1) is an existing State, county or local roadway; or 2) is shown on a plat approved pursuant to law; or 3) is approved by other official action (see "Road").

245. **STREET LOT LINE:** A dividing line between the street and a lot, also known as the right-of-way line.

246. **STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof, or changes by way of additions to the exterior when such changes require a building permit. (See also "Alteration")

247. **STRUCTURE:** Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a permanent location on the ground, except paved surfaces, utility poles and live plant materials. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs. (See also "Building," "Accessory Structure" and "Lot Coverage" definitions)

248. **SUBDIVISION:** The partitioning or dividing of a tract or parcel of land for the purpose, whether immediate or future, of sale or lease of more than one year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, P.A. 288 of 1967. The meaning of the term "subdivision" shall not, however, apply to a property transfer between two (2) or more adjacent parcels if the property taken from one (1) parcel is added to an adjacent parcel.

249. **SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not however include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

250. **SWIMMING POOL:** Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold a water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

251. **TEMPORARY DWELLING:** A structure to be used as a residence permitted by the Planning Commission to exist during a specified period of time.

252. **TEMPORARY USES AND SEASONAL EVENTS:** Uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events. Such uses shall include those uses defined as a "Special Event" in the Hartland Township Ordinance No. 69.

253. **TOWER:** A structure designed for purposes of transmission and signal relay by radio, television, public utility, microwave, public utility and/or cable television companies, when said structure is located so that both the structure itself and any supporting wires, cables, and/or anchors adhere to all minimum setback requirements.

254. **TOWNSHIP:** The Township of Hartland, Livingston County, Michigan.

255. **TOXIC OR HAZARDOUS WASTE:** Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

   A. an increased in mortality, or

   B. an increase in serious irreversible illness, or

   C. serious incapacitating, but reversible illness, or

   D. substantial present or potential hazard to human health or the environment.

256. **TRACT:** Two (2) or more parcels that share a common property line and are under the same ownership.

257. **TRAILER PARK:** See “Recreational Vehicle Park”.

258. **TRAVEL TRAILER:** A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

259. **TRUCK STOP:** A facility designed to accommodate the convenience needs of truck drivers, including restaurants, restrooms, showers, fueling stations, and light truck repair and maintenance.

260. **TRUCK TERMINAL:** A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for:

   A. Immediate distribution to other parts of the Township.

   B. Amalgamation for delivery in larger units to other intrastate or interstate destinations.

   C. Distribution or amalgamation involving transfer to other modes of transportation.

261. **UTILITY TRAILER:** A small trailer that is designed to be pulled by an automobile, van or pick-up truck.

262. **VARIANCE:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted.

263. **VETERINARY OFFICE**: means a building or part thereof, where a licensed veterinarian provides for the care, diagnosis and treatment of sick or injured animals, including those in need of medical or surgical attention. Veterinary clinics are considered veterinary offices. Such veterinary offices shall be distinguished by type as follows:

   A. Small Animal: A small animal veterinary office services household and small domesticated pets and may include customary pens or cages within the principle building for the overnight boarding of sick or injured animals.

   B. Large Animal: A large animal veterinary office services all animals, including poultry normally found on a farm or raised for commercial purposes. This type of facility may include customary stables or pens within the accessory building along with outdoor area.

264. **WALL, OBSCURING:** Shall mean a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

265. **WAREHOUSE:** A building used primarily for storage of goods and materials.

266. **WASTE:** Any useless or worthless by-product of an industrial process, refuse (for example, paper tableware left after a picnic), excess material (for example, unsold or uneaten prepared food at a restaurant), or discarded object (for example, worn out enamel bathroom fixtures) that has no further utility to anyone and that must be disposed of in a fashion that will ensure that the public health and safety will not be endangered.

267. **WATER FRONTAGE:** That measured portion of a lot, parcel, common elements or condominium unit, whether recorded or not, that abuts or intersects with the ordinary high water mark of a lake or pond. Water frontage shall not include any measured portion of a swamp, marsh or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or wetlands identified by the Michigan Department of Natural Resources or Michigan Department of Environmental Quality; and in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this Ordinance.

268. **WETLANDS:** Regulated wetlands are regulated by Michigan Public Act 203 of 1979, as amended the Goemaere-Anderson Wetland Act. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and which is any of the following.

   A. Contiguous to a lake, pond, river or stream.

   B. Not contiguous to a lake, pond, river or stream; and more than five (5) acres in size.

   C. Not contiguous to a lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

269. **WHOLESALE SALES:** The sale of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

270. **WIDTH TO DEPTH RATIO:** Shall mean the ratio between the width of a lot or parcel and the depth of a lot or parcel.

271. **WINDMILL:** A structure designed and constructed to be used to convert ambient wind to electricity or other form of energy.

272. **WIRELESS COMMUNICATION FACILITY/ STRUCTURE:** A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. Not included in this definition are: citizen band radio, short wave, ham, and amateur radio facilities; satellite dishes, and governmental facilities. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures that appear to be something other than a mere support structure.

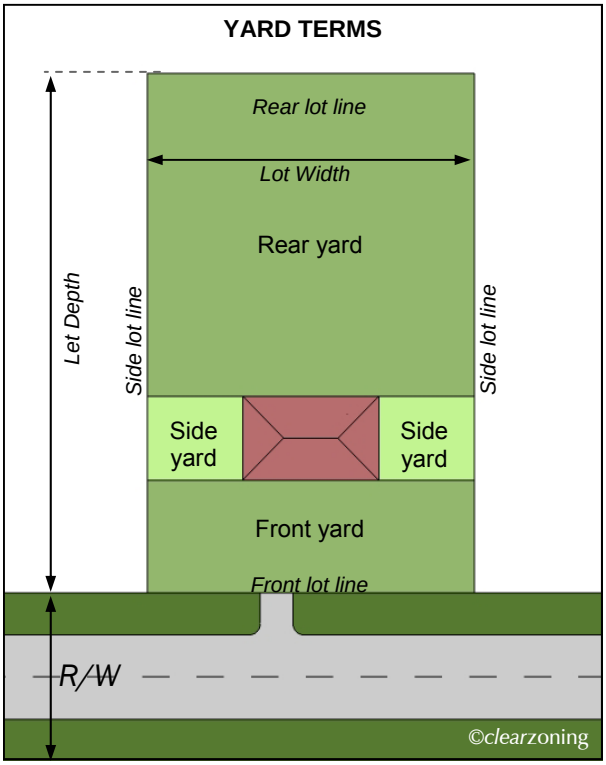
273. **WIRELESS COMMUNICATION SUPPORT STRUCTURES (TOWERS)** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

274. **YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The Minimum Required Setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this Ordinance.✍

A. **Yard, front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest lines of the principal building. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage.

B. **Yard, rear:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. On corner lots the rear yard may be opposite either street frontage but there shall be only one rear yard.

C. **Yard, side:** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.



275. **ZONING ADMINISTRATOR:** The official of Hartland Township or authorized representative charged with the responsibility of administering this Ordinance.

276. **ZONING BOARD OF APPEALS:** The Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.

Article 3.0
Zoning Districts

Article 3.0 Zoning Districts

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3.0 Zoning Districts

3.1 DISTRICTS ESTABLISHED

For purposes of this Ordinance, Township is hereby divided into Zoning Districts as indicated by the District boundaries shown on the Official Zoning Map. The following Zoning Districts are hereby created:

1. CA Conservation Agriculture
2. RUR Rural Residential
3. RR Residential Recreation
4. STR Settlement Residential
5. RE Rural Estate
6. SR Suburban Residential
7. MDR Medium Density Residential
8. HDR High Density Residential
9. MR Multiple Family Residential
10. MR-2 Mobile Home Park
11. OS Office Service
12. LC Limited Commercial
13. NSC Neighborhood Service Commercial
14. GC General Commercial
15. RDP Research and Development Park
16. LI Light Industrial
17. I Industrial
18. PD Planned Development

Digital User Note: Click on a district heading to go directly to the corresponding district regulations.

3.1.1 CA Conservation Agriculture

A. INTENT

The intent of the "CA" Conservation Agricultural District is broad in scope but specific in purpose: to protect vital natural resources (for example, high quality water supplies, flood-prone areas, stable soils, significant stands of vegetative cover, substantial wetlands) and to protect lands best suited to agricultural use from the encroachment of incompatible uses which would cause such land to be taken out of production prematurely, while designating an area appropriate to low density single family residential development that does not alter the general rural character of the District.

The standards in this district are intended to assure that permitted uses peacefully coexist in a low density setting, while preserving the rural-like features and character of certain portions of the Township. Low density residential development is further intended to protect the public health in areas where it is not likely that public water and sewer services will be provided.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. This District is intended to correspond to the Estate Residential future land use category of the Comprehensive Plan

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Agriculture and farming
ii. **Essential public services, provided there is no building or outdoor storage yard** §4.26
iii. **Forests, forestry** §5.17
iv. **Single family detached dwellings** §4.1
v. Township owned and operated water, sewer and storm drain systems
vi. **Public park and recreation areas** §4.40
vii. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care
viii. **Private stables when located on a site of not less than five (5) acres** §4.43

C. ACCESSORY USES

i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14
ii. **Home occupations** §4.2
iii. Living quarters for persons employed on the premises and not rented or used for some other purpose
iv. **Temporary or seasonal roadside stand** §4.41
v. Seed and feed dealership provided there is no showroom or other commercial activities included
vi. Land extensive recreation activities

D. SPECIAL LAND USES

i. **Cemeteries** §4.19
ii. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals** §4.12
iii. **Churches and religious institutions** §4.20
iv. **Nursing or convalescent homes, or child caring institution** §4.23
v. Duplex or two dwelling for farm family only, in conjunction with a farm operation.
vi. **Essential public service buildings, structures and equipment, excluding storage yards** §4.26
vii. Forestry clearcut operation which encompasses thirty (30) or more acres over a three (3) year period or ten (10) or more acres during one year.
viii. **Golf courses and country clubs** §4.30
ix. **Kennels** §4.33
x. **Sand, gravel or mineral extraction** §4.5
xi. **Public & private elementary, intermediate or high schools** §4.42
xii. **Specialized animal raising and care, when located on at least five (5) acres** §4.10
xiii. **Public stables or riding arenas** §4.43
xiv. **Radio, telephone and television transmitting and receiving towers** §4.39
xv. **Landscape nursery, if located on at least ten (10) acres** §4.38
xvi. **Veterinary offices/clinics (large animal)** §4.45
xvii. **Private recreation areas** §4.40
xviii. **Bed and breakfast facilities** §4.18
xix. Farm markets, cider mills, and you-pick operations on a farm
xx. Wildlife refuges
xxi. Game preserves

CA Conservation Agriculture

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area📖:

Farm dwelling	10 Acres
Single-family detached dwelling	2 Acres

Minimum lot width📖:

Farm dwelling	300 ft
Single-family detached dwelling	200 ft

Maximum Lot Coverage📖

Farm dwelling	5%
Single-family detached dwelling	15%

Setbacks📖

Minimum front yard setback:	50ft
Minimum rear yard setback:	50ft
Minimum side yard setback:	15 ft

Building Height📖

Maximum building height:	35 ft or 2.5 stories whichever is less

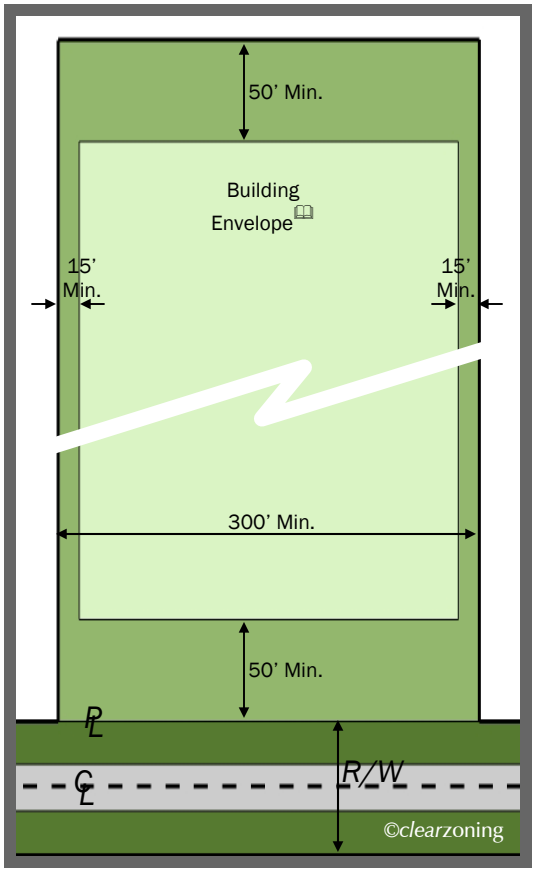
Floor Area📖

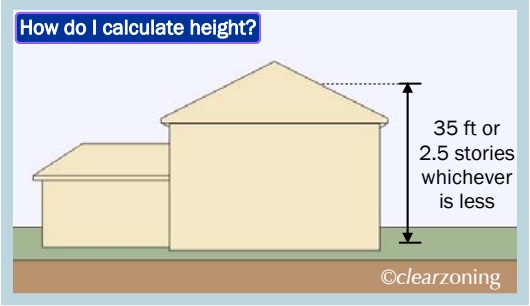
Minimum floor area per one-family dwelling📖:

1 story	1,200 sq ft
1+ stories	960 sq ft (first floor) 1,200 sq ft (total)

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 2, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Exemptions for Essential Services §3.8
- Single Family Lot Coverage Exemption §3.25

4. Use Standards

- Farms §4.27
- Keeping of Animals §4.10
- Residential Open Space Development §4.48
- Stables and Riding Arenas §4.43
- Residential Design Standards §4.1

5. Site Standards

- Sidewalks & Pathways §5.12
- Paved Access §5.22
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Landscaping §5.11
- Lighting §5.13
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24
- Accessory Buildings and Uses §5.14
- Specific Landscaping Requirements §5.11.6

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.2

RUR Rural Residential

A. INTENT

The intent of the RUR, Rural Residential District is to provide for the peaceful coexistence of agricultural uses and residential uses so that agricultural uses may thrive in the Township. This District is intended to protect vital natural resources such as soils suitable for agricultural use, ground water recharge areas, flood-prone areas, steep slopes, local wildlife habitat, woodlands and wetlands.

It is further the intent of this District to permit a limited range of residentially-related uses in addition to agricultural uses, the raising and keeping of domestic and farm animals, and agriculture-oriented commercial including nurseries and orchards, and to prohibit multiple family, office, business, non-agriculture oriented commercial, industrial and other uses that would interfere with the quality of agricultural or residential life in this district. This District is intended to correspond with the Rural Residential future land use category of the Comprehensive Plan.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Agriculture and farming

ii. **Essential public services, provided there is no building or outdoor storage yard** §4.26

iii. **Forests, forestry** §5.17

iv. **Single family detached dwellings** §4.1

v. Township owned and operated water, sewer and storm drain systems

vi. **Public park and recreation areas** §4.40

vii. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities.

C. ACCESSORY USES

i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14

ii. **Home occupations** §4.2

iii. Living quarters for persons employed on the premises and not rented or used for some other purpose

iv. **Temporary or seasonal roadside stand** §4.41

v. Seed and feed dealership provided there is no showroom or other commercial activities included

vi. Land extensive recreation activities

D. SPECIAL LAND USES

i. **Cemeteries** §4.19

ii. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals** §4.12

iii. **Churches and religious institutions** §4.20

iv. **Nursing or convalescent homes, or child caring institution** §4.23

v. Duplex or two family dwelling for farm family only, in conjunction with a farm operation.

vi. **Essential public service buildings, structures and equipment (excluding storage yards)** §4.26

vii. Forestry clearcut operation which encompasses thirty (30) or more acres over a three (3) year period or ten (10) or more acres during one year.

viii. **Golf courses and country clubs** §4.30

ix. **Kennels** §4.33

x. **Sand, gravel or mineral extraction** §4.5

xi. **Public & private , elementary, intermediate or high schools** §4.42

xii. **Specialized animal raising and care, when located on at least five (5) acres** §4.10

xiii. **Private or public stables or riding arenas** §4.43

xiv. **Radio, telephone and television transmitting and receiving towers** §4.39

xv. **Landscape nursery, if located on at least ten (10) acres** §4.38

xvi. **Veterinary clinics (large animals)** §4.45

xvii. **Private recreation areas** §4.40

xviii. **Bed and breakfast facilities** §4.18

xix. Farm markets, cider mills, and "you-pick" operations on a farm

xx. Game preserves

xxi. Wildlife refuges

RUR Rural Residential

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:

Farm dwelling	10 Acres
Single-family detached dwelling	3 Acres

Minimum lot width:

Farm dwelling	300 ft
Single-family detached dwelling	250 ft

Maximum Lot Coverage

Farm dwelling	5%
Single-family detached dwelling	15%

Setbacks

Minimum front yard setback:

Farm dwelling	50 ft
Farm accessory building	50 ft
Single-family detached dwelling	75 ft
Non-farm accessory structure	75 ft

Minimum rear yard setback:

Farm dwelling	50 ft
Farm accessory building	50 ft
Single-family detached dwelling	60 ft
Non-farm accessory structure	60 ft

Minimum side yard setback:

Farm dwelling	15 ft
Farm accessory building	15 ft
Single-family detached dwelling	20 ft
Non-farm accessory structure	20 ft

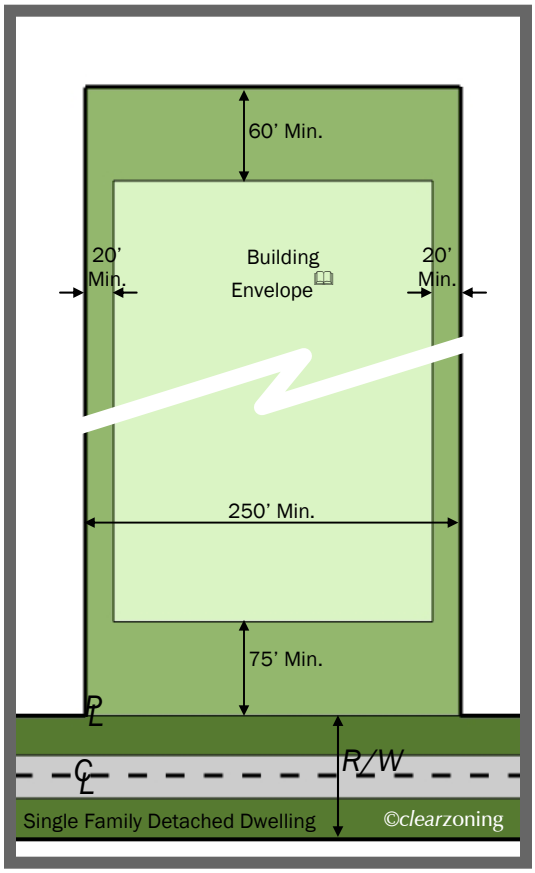
Building Height

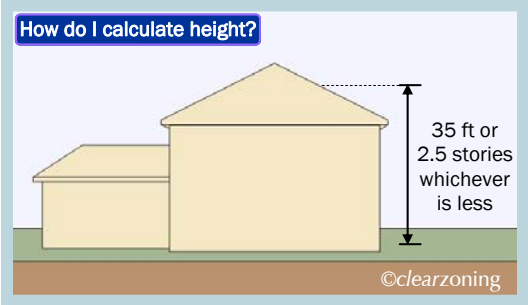
Maximum building height:	35 ft or 2.5 stories whichever is less

Floor Area

Minimum floor area per one-family dwelling:

1 story	1,200 sq ft
1+ stories	960 sq ft (first floor) 1,200 sq ft (total)





The above drawings are not to scale.

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 2 ,5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28.
- See *Suggested References* below for applicability

SELECTED REFERENCES

3. Zoning Districts

- General Exemptions for Essential Services §3.8

4. Use Standards

- Farms §4.27
- Keeping of Animals §4.10
- Open Air Business §4.38
- Residential Design Standards §4.1
- Residential Open Space Development §4.48

5. Site Standards

- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Paved Access §5.22
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24
- Accessory Buildings and Uses §5.14
- Specific Landscaping Requirements §5.11.6

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.3 RR Residential Recreation

A. INTENT

The intent of the "RR" Residential-Recreational District is to provide for residential, recreational and resort uses which are located in a planned manner, with sufficient greenbelts, separations and design so as to provide extensive open space areas around and between the uses in order to retain as much of the natural environmental character as possible. Preservation of open space, protection of flood prone areas, protection of wetlands and woodlands, and preservation of other natural features is encouraged. This District is intended to correspond to the Residential Recreational future land use category of the Comprehensive Plan.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single family detached dwellings** §4.1
ii. **Single family residential condominiums and subdivisions** §6.3
iii. Two-family and multiple-family structures
iv. **Essential public services, provided there is no building or outdoor storage yard** §4.26
v. Public and private buildings and areas for educational uses
vi. **Public and private buildings and areas for recreational uses** §4.40
vii. **Churches and religious institutions** §4.20
viii. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities
ix. Agriculture and farming

C. ACCESSORY USES

i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14
ii. **Home occupations** §4.2

D. SPECIAL LAND USES

i. Standard restaurant
ii. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals, including child care facilities and adult foster care facilities** §4.12
iii. Offices and corporate headquarters
iv. **Cemeteries** §4.19
v. **Senior citizen congregate or interim care facilities** §4.23

RR Residential Recreation

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:

Single-family detached dwelling	
Public sewer and water	15,000 sq ft
No public sewer and water	20,000 sq ft
Two-family building	15,000 sq ft
Multiple-family building	5 Acres & 5,445 sq ft per dwelling

Minimum lot width:

Single-family detached dwelling	
Public sewer and water	100 ft
No public sewer and water	120 ft
Two-family building	120 ft

Maximum Lot Coverage

Single-family detached dwelling	
Public sewer and water	25%
No public sewer and water	20%
Two-family building	25%
Multiple--family building	30%

Setbacks

Minimum front yard setback:	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	15 ft

Building Height

Maximum building height:

Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

Floor Area

Minimum floor area per one-family dwelling:

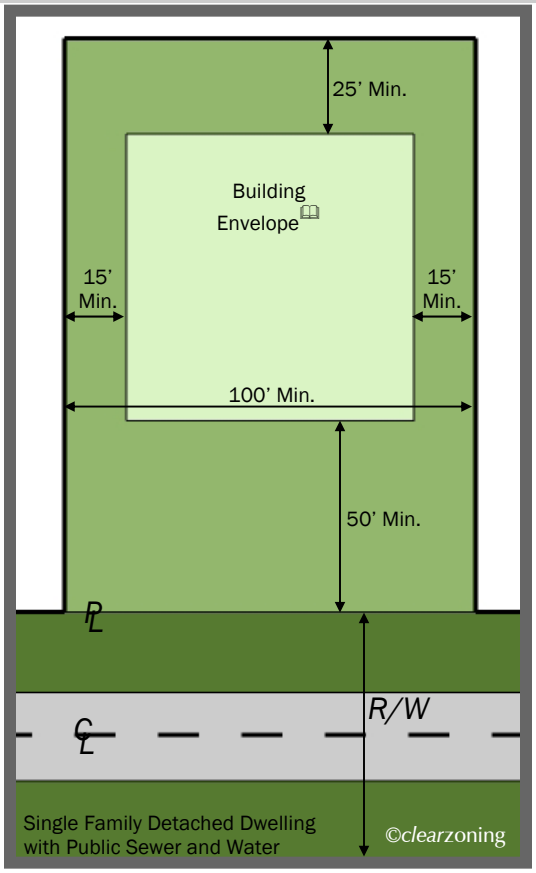
1 story	1,200 sq ft
1+ stories	960 sq ft (first floor) 1,200 sq ft (total)

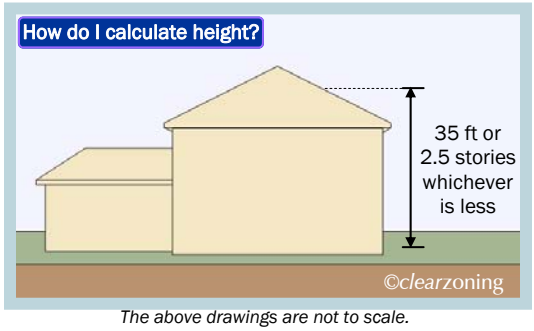
Minimum floor area per two-family dwelling:
Refer to Section 3.24.9 Notes to District Standards

Minimum floor area per multiple-family dwelling
Refer to Section 3.24.10 Notes to District Standards

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 2 ,4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Single Family Lot Coverage Exemption §3.25
- Density and Open Space §3.15.1
- General Exemptions for Essential Services §3.8

4. Use Standards

- Residential Design Standards §4.1

5. Site Standards

- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Paved Access §5.22
- Accessory Buildings and Uses §5.14
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24
- Specific Landscaping Requirements §5.11.6

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.4 STR Settlement Residential

A. INTENT

The intent of the STR Settlement Residential District is two-fold: to promote the vitality of the settlements of Hartland and Parshallville as traditional small town residential areas and to preserve the integrity and historic and cultural heritage of each. More specifically, the Settlement Residential District is intended to achieve the following objectives:

1. Encourage development which is consistent with the density of existing settlement development;
2. Provide a land use transition between the village areas and the more rural areas of the township;
3. Create distinct community focal points in the Township;
4. Help ensure a consistent architectural theme without restricting innovative design;
5. Integrate public gathering places;
6. Promote long-term viability in the established settlements.
7. Enable development in a manner that will be compatible with the existing and new village environment.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single family detached dwellings** §4.1
ii. Two-family dwellings
iii. **Public and private parks and recreation areas** §4.40
iv. **Essential public services, provided there is no building or outdoor storage yard** §4.26
v. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities.

C. ACCESSORY USES

i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14
ii. **Home occupations** §4.2

D. SPECIAL LAND USES

i. **Churches and religious institutions** §4.20
ii. **Cemeteries** §4.19
iii. **Bed & Breakfast facilities** §4.18
iv. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals, including child care facilities and adult foster care facilities** §4.12
v. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas
vi. **Public & private elementary, intermediate or high schools** §4.42

STR Settlement Residential

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	Similar to existing parcels
Minimum lot width:	Similar to existing parcels

Setbacks

Minimum front yard setback:	Similar to existing development
Minimum rear yard setback:	Similar to existing development
Minimum side yard setback:	Similar to existing development

Building Height

Maximum building height:

Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

Floor Area

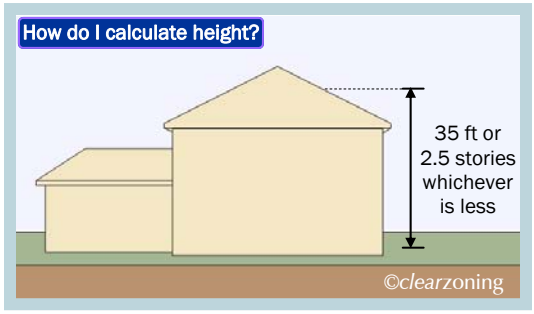
Minimum floor area per one-family dwelling:

1 story	1,200 sq ft
1+ stories	960 sq ft (first floor) 1,200 sq ft (total)

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 2, 3, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28.
- See *Suggested References* below for applicability

Similar to existing development



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Residential Reuse §3.16
- Density and Open Space §3.15.1
- General Exemptions for Essential Services §3.8
- Single Family Lot Coverage Exemption §3.25

4. Use Standards

- Residential Design Standards §4.1

5. Site Standards

- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Paved Access §5.22
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24
- Specific Landscaping Requirements §5.11.6

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.5 RE Rural Estate District

A. INTENT

The intent of the "RE" Rural Estate District is to provide a transition zone between the "CA" Conservation-Agriculture District and other more intensive residential Districts. This District provides areas of the Township for the construction and continued use of single family detached dwellings of a rural non-farm nature.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. It is intended that development in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wetlands and woodlands, and preservation of other natural features is encouraged. This District is intended to correspond to the Low Suburban Density Residential future land use category of the Comprehensive Plan.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single family detached dwellings** §4.1

ii. **Public and private parks and recreation areas** §4.40

iii. **Essential public services, provided there is no building or outdoor storage yard** §4.26

iv. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities.

C. ACCESSORY USES

i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14

ii. **Home occupations** §4.2

D. SPECIAL LAND USES

i. **Churches and religious institutions** §4.20

ii. **Nursing or convalescent homes** §4.23

iii. **Essential public service buildings, excluding storage yards** §4.26

iv. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals, including child care facilities and adult foster care facilities** §4.12

v. **Public & private elementary, intermediate or high schools** §4.42

RE Rural Estate District

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	65,000 sq ft
Minimum lot width:	150 ft

Maximum Lot Coverage

Single-family detached dwelling	20%

Setbacks

Minimum front yard setback:	50 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	15 ft

Building Height

Maximum building height:

Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

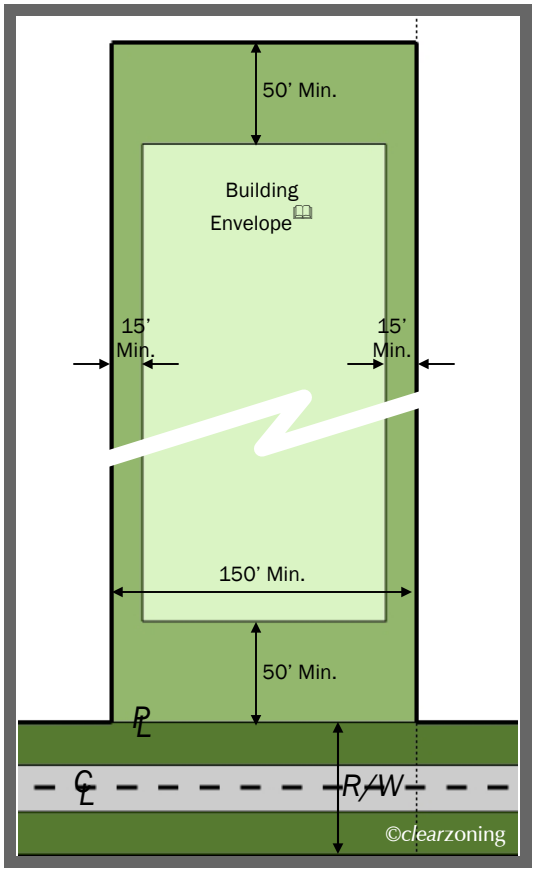
Floor Area

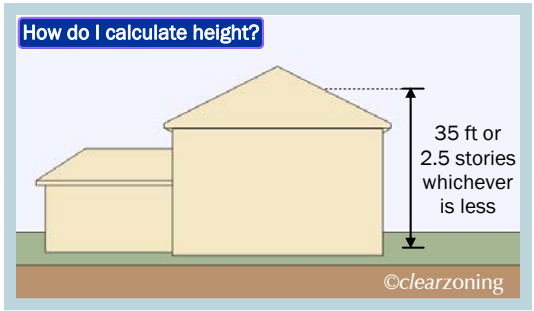
Minimum floor area per one-family dwelling:

1 story	1,200 sq ft
1+ stories	960 sq ft (first floor) 1,200 sq ft (total)

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- Planned Development §3.1.18
- Density and Open Space in Residential Districts §3.15.2
- General Exemptions for Essential Services §3.8

4. Use Standards
- Residential Design Standards §4.1

5. Site Standards
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Paved Access §5.22
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24
- Specific Landscaping Requirements §5.11.6

6. Development Procedures
- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.6 SR Suburban Residential

A. INTENT

The intent of the "SR" Suburban Residential District is to provide neighborhoods adjacent to lakes or with direct access to collector or arterial roads. Also, this District is intended to serve as a transition between lower density residential land uses and higher intensity land uses. This District provides areas of the Township for the construction and continued use of single family detached dwellings within stable neighborhoods. Generally, it is intended that SR zoned development occur within approved platted subdivisions or similar developments that can be expected to eventually be served by public water and sewer services.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. It is intended that development in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wetlands and woodlands, and preservation of other natural features is encouraged. This District is intended to correspond with the Medium Suburban Residential future land use category of the Comprehensive Plan.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single family detached dwellings** §4.1
ii. **Nursing or convalescent homes,** §4.23
iii. **Public and private parks and recreation areas** §4.40
iv. **Essential public services, provided there is no building or outdoor storage yard** §4.26
v. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities.

C. ACCESSORY USES

i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14
ii. **Home occupations** §4.2

D. SPECIAL LAND USES

i. **Churches and religious institutions** §4.20
ii. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals, including child care facilities and adult foster care facilities** §4.12
iii. **Public & private elementary, intermediate or high schools** §4.42
iv. **Essential public service buildings, excluding storage yards** §4.26

SR Suburban Residential

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:

Single-family detached dwelling	
Public sewer and water	20,000 sq ft
No public sewer and water	32,670 sq ft
Minimum lot width:	120 ft

Maximum Lot Coverage

Single-family detached dwelling	
Public sewer and water	20%
No public sewer and water	15%

Setbacks

Minimum front yard setback:	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	15 ft

Building Height

Maximum building height:

Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

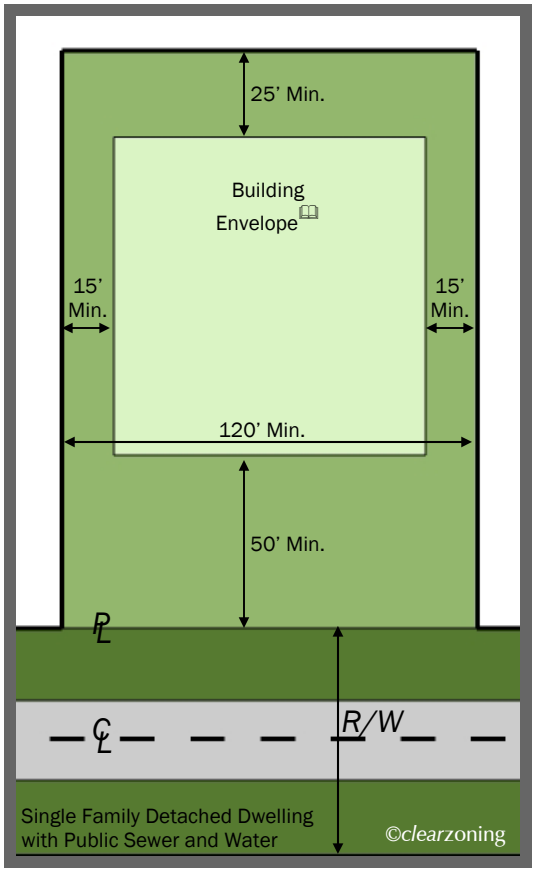
Floor Area

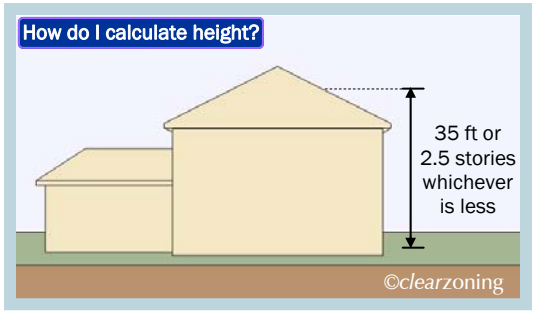
Minimum floor area per one-family dwelling:

1 story	1,200 sq ft
1+ stories	960 sq ft (first floor) 1,200 sq ft (total)

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18
- Open Space §3.15.3
- Single Family Lot Coverage Exemption §3.25
- General Exemptions for Essential Services §3.8

4. Use Standards

- Residential Design Standards §4.1

5. Site Standards

- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Paved Access §5.22
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Landscaping, Lighting and Sidewalks §5.11
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24
- Specific Landscaping Requirements §5.11.6

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.7 MDR Medium Density Residential

A. INTENT

The intent of the "MDR" Medium Density Residential District is to provide for areas in the Township for the construction and continued use of single family detached dwellings within stable neighborhoods. It is intended that MDR zoned development occur within approved platted subdivisions or similar developments surrounding Handy, Maxfield, and Round Lakes located adjacent to collector or arterial roads in locations that are served by approved or common public water and sanitary sewer services. This District may also serve as a transitional area between high intensity and lower intensity uses, or adjacent to districts of higher or lower residential densities and nonresidential uses.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. It is intended that the development in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wetlands and woodlands, and preservation of other natural features is encouraged. This District is intended to correspond with the Medium Urban Density Residential future land use category of the Comprehensive Plan.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single family detached dwellings** §4.1

ii. **Public and private parks and recreation areas** §4.40

iii. **Essential public services, provided there is no building or outdoor storage yard** §4.26

iv. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities

C. ACCESSORY USES

i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14

ii. **Home occupations** §4.2

D. SPECIAL LAND USES

i. **Churches and religious institutions** §4.20

ii. **Nursing or convalescent homes,** §4.23

iii. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals, including child care facilities and adult foster care facilities** §4.12

iv. **Essential public service buildings, excluding storage yard** §4.26

v. **Public & private elementary, intermediate or high schools** §4.42

MDR Medium Density Residential

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	12,000 sq ft
Minimum lot width:	80 ft

Maximum Lot Coverage

Single-family detached dwelling	20%

Setbacks

Minimum front yard setback:	30 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	10 ft

Building Height

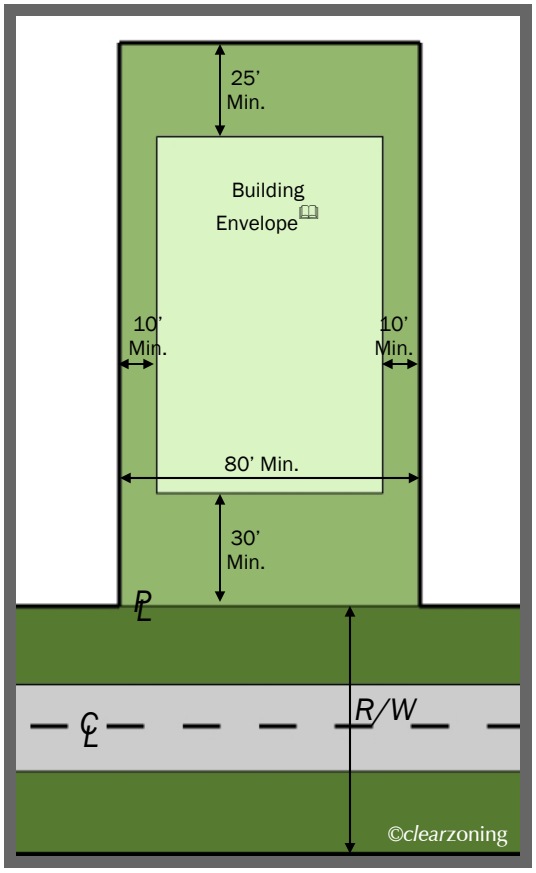
Maximum building height:

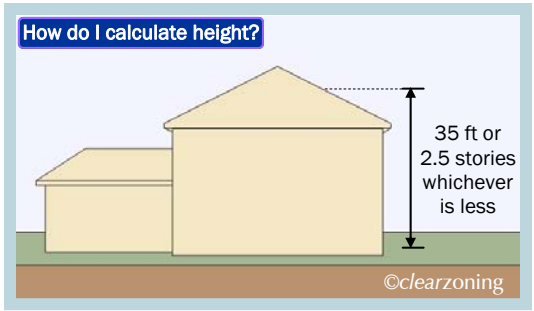
Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

Floor Area

Minimum floor area per one-family dwelling:

1 story	1,000 sq ft
1+ stories	720 sq ft (first floor)





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NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28.
- See *Suggested References* below for applicability

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18
- Open Space §3.15.3
- Utilities §3.17
- Single Family Lot Coverage Exemption §3.25
- General Exemptions for Essential Services §3.8

4. Use Standards

- Residential Design Standards §4.1

5. Site Standards

- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Paved Access §5.22
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24
- Specific Landscaping Requirements §5.11.6.B

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.8 HDR High Density Residential

A. INTENT

The intent of the "HDR" High Density Residential District is to provide for areas of the Township for the construction and continued use of single family detached dwellings within stable neighborhoods. It is intended that this District serve as a transitional use between high intensity and lower intensity uses, and would be appropriate adjacent to districts of higher or lower residential densities and nonresidential uses. Smaller lot sizes are permitted to create alternatives in housing types, including more affordable units as starter homes. Developments in the District are intended to occur within approved platted subdivisions or similar and served by public water and sewer services.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. It is intended that the development in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wetlands and woodlands, and preservation of other natural features is encouraged. This District is intended to correspond with the Medium Urban Density Residential future land use category of the Comprehensive Plan.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single family detached dwellings** §4.1

ii. **Public and private parks and recreation areas** §4.40

iii. **Essential public services, provided there is no building or outdoor storage yard** §4.26

iv. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities

C. ACCESSORY USES

i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14

ii. **Home occupations** §4.2

D. SPECIAL LAND USES

i. **Churches and religious institutions** §4.20

ii. **Nursing or convalescent homes,** §4.23

iii. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals, including child care facilities and adult foster care facilities** §4.12

iv. **Essential public service buildings, excluding storage yard** §4.26

v. **Public & private elementary, intermediate or high schools** §4.42

HDR High Density Residential

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	8,400 sq ft
Minimum lot width:	70 ft

Maximum Lot Coverage

Single-family	25%

Setbacks

Minimum front yard setback:	25 ft
Minimum rear yard setback:	20 ft
Minimum side yard setback:	10 ft

Building Height

Maximum building height:

Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

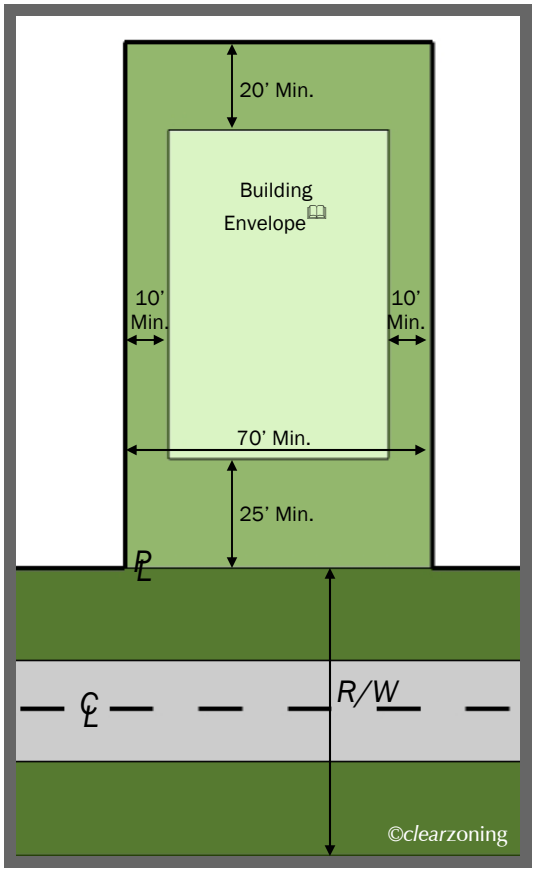
Floor Area

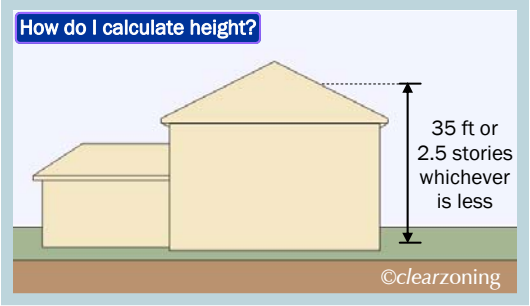
Minimum floor area per one-family dwelling:

1 story	1,000 sq ft
1+ stories	720 sq ft (first floor)

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18
- Open Space §3.15.3
- Utilities §3.17
- Single Family Lot Coverage Exemption §3.25
- General Exemptions for Essential Services §3.8

4. Use Standards

- Residential Design Standards §4.1

5. Site Standards

- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Paved Access §5.22
- Accessory Buildings and Uses §5.14
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24
- Specific Landscaping Requirements §5.11.6

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

7. Admin. and Enforcement

- 7.3 - 7.8

3.1.9 MR Multiple Family Residential

A. INTENT

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

- Multiple family housing 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, multiple family development generally should be located where it serves as a transition zone between nonresidential and single family uses.
- Multiple family developments should have direct access to a paved collector road or major thoroughfare.
- In areas designated for Multiple Family Residential future land use in the Comprehensive Plan.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Multiple-family dwellings
ii. Two-family dwellings
iii. **Public and private parks and recreation areas** §4.40
iv. **Essential public services, provided there is no building or outdoor storage yard** §4.26
v. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities

C. ACCESSORY USES

i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14
ii. Storage buildings for automobiles and other goods which cannot reasonably be stored in the buildings containing the dwelling units in a multiple family housing development.

D. SPECIAL LAND USES

i. **Hospitals** §4.31
ii. **Boarding houses, rooming houses, or bed and breakfast establishments** §4.18
iii. Private clubs, fraternities, sororities and lodges; except those in which the principal activity is commercial in nature
iv. **Essential public service buildings, excluding storage yard** §4.26
v. **Publicly owned and operated recreation facilities and non-profit swim clubs** §4.40
vi. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas
vii. **Institutions of higher learning** §4.53
viii. **Cemeteries** §4.19
ix. **Public & private elementary, intermediate or high schools** §4.42
x. **Adult care and child care facilities that provide care for seven (7) or more individuals** §4.12
xi. **Public or private golf courses** §4.30
xii. **Churches and religious institutions** §4.20
xiii. **Nursing or convalescent homes,** §4.23
xiv. **Large institutional uses** §4.34

MR Multiple Family Residential

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	
Two-family building	15,000 sq ft
Multiple-family building	5 Acres & 5,554 sq ft per dwelling
Minimum lot width:	120 ft
Maximum units per building	
Multiple-family building	8 units

Maximum Lot Coverage

Two-family building	20%
Multiple-family building	30%

Setbacks

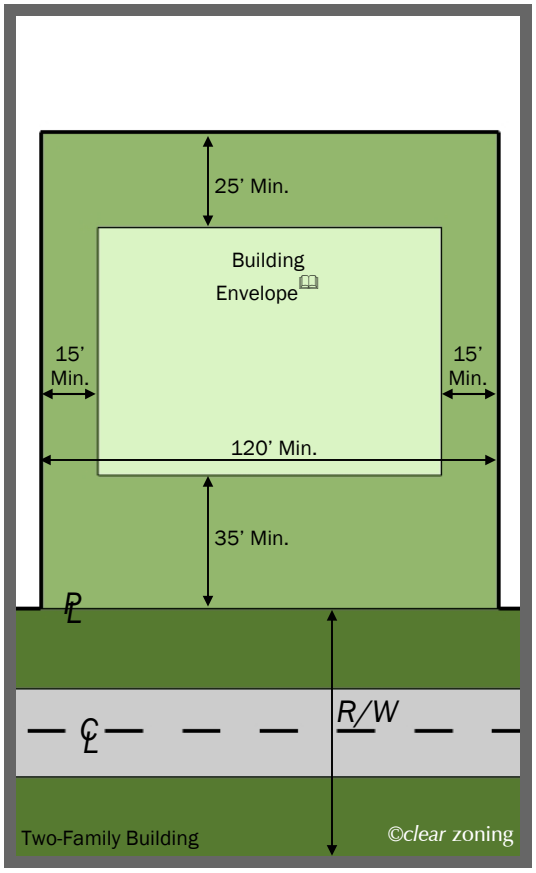
Minimum front yard setback:	
Two-family building	35 ft
Multiple-family building	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	15 ft

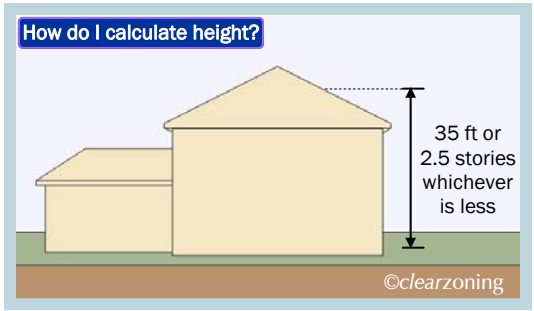
Building Height

Maximum building height:	
Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

Floor Area

Minimum floor area per dwelling:	
Two-family dwelling	720 sq ft
Multiple-family dwelling	
Efficiency apartment	400 sq ft
One bedroom apartment	650 sq ft
Two bedroom apartment	850 sq ft
Three bedroom apartment	1,050 sq ft





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NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 25, 27, 28.
- See *Suggested References* below for applicability

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18
- Utilities §3.17
- Open Space §3.15.4

5. Site Standards

- Paved Access §5.22
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.10 MR-2 Mobile Home Park

A. INTENT

The MR-2, Mobile Home Park District is intended to provide for the location and regulation of mobile home parks. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, mobile home parks shall be located in conformance with the following:

- In areas designated for High Density Residential future land use category in the Township Comprehensive Plan. Mobile home parks shall serve as transition zone between residential and non-residential districts. Mobile home parks should not be located where they would interrupt the continuity of permanent single family neighborhoods.
- On sites adjacent to existing mobile home parks; however, sites which meet all other locational criteria of this Section may be appropriate.
- With paved vehicular access to a paved major thoroughfare.
- Sanitary sewer and water supply shall be available with sufficient capacity to serve the residents and to provide fire protection. Public sewer systems shall be required in mobile home parks, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. Furthermore, the location of a mobile home park shall not have an adverse impact on the proper functioning of community facilities and utility systems, including but not limited to the following: roads, sanitary sewers, water, storm drainage, police and fire protection, and the educational system.
- Outside of a designated floodway.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Mobile Home Commission Rules govern all mobile home parks. When regulations in this Article exceed the state law or the Mobile Home Commission Rules they are intended to insure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Mobile home parks** §4.55

ii. **Essential public services, provided there is no building or outdoor storage yard** §4.26

iii. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities

C. ACCESSORY USES

i. Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses

D. SPECIAL LAND USES

i. Reserved

MR-2 Mobile Home Park

E. DEVELOPMENT STANDARDS

Lot Size (Mobile Home Park)

Minimum lot area:	15 Acres

Lot Size (Mobile Home Lots)

Minimum lot area:	5,500 sq ft
Minimum lot width:	Not specified

Setbacks

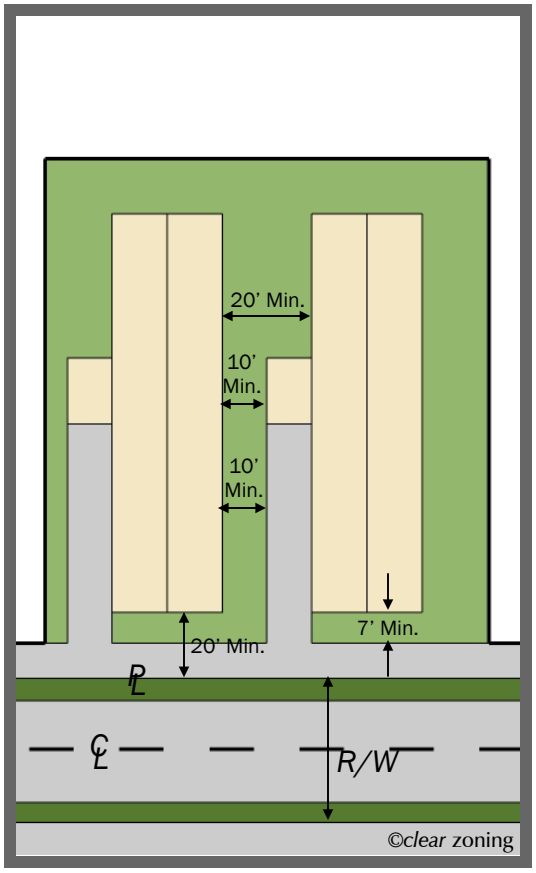
From adjacent mobile home:	20 ft
From accessory structure:	10 ft
From on-site parking space:	10 ft
From road	
Edge of internal road	10 ft
ROW of dedicated public road	20 ft
From common pedestrian walkway	7 ft

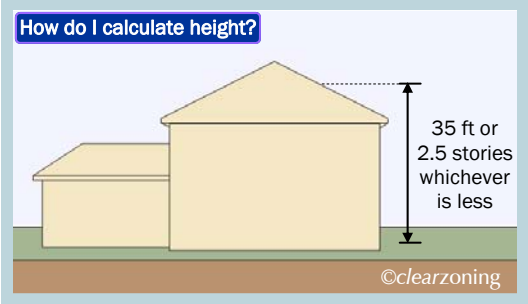
Building Height

Maximum building height:	
Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

Floor Area

Minimum floor area per dwelling:	Not specified





The above drawings are not to scale.

SELECTED REFERENCES

4. Use Standards
- Mobile Home Parks Access §4.55

5. Site Standards
- Off-Street Parking and Loading Access §5.8.8
- Sidewalks & Pathways §5.12
- Signs §5.26

6. Development Procedures
- Site Plan Review §6.1
- Traffic Impact §6.5

3.1.11 OS Office Service

A. INTENT

The intent of the "OS" Office Service District is to provide areas in the Township and an environment appropriate for various types of administrative and professional offices, as well as certain professional services which can serve as a transitional use between more intense land uses (such as commercial uses) and less intensive residential uses. This district is intended to prohibit those types of retail uses and other activities that typically generate large volumes of traffic, traffic congestion, parking problems, and other impacts that could negatively affect the use of enjoyment of surrounding property.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Professional and executive offices
ii. Business and private schools operated for a profit completely within an enclosed building
iii. Financial institutions without drive-through service
iv. Medical or dental offices and clinics
v. **Churches and religious institutions** §4.20
vi. Essential public services, provided there is no building or outdoor storage yard
vii. Veterinary offices and clinics with no outdoor facilities or kennels
viii. Pharmacies and apothecary shops that are under 2,000 square feet.

C. ACCESSORY USES

i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14
ii. Retail sales of goods or wares are permitted as long as they are clearly incidental to the permitted principal use.

D. SPECIAL LAND USES

i. **Funeral homes, mortuaries, and crematoriums** §4.29
ii. **Adult day care facilities and child care centers** §4.12
iii. Personal fitness centers
iv. **Financial institutions with drive-through service** §4.57
v. Use of the same nature or class as uses listed in this district as either a permitted Principal Use or a Special Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission

OS Office Service

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	20,000 sq ft
Minimum lot width:	100 ft

Maximum Lot Coverage

Principal Structure	75%

Setbacks

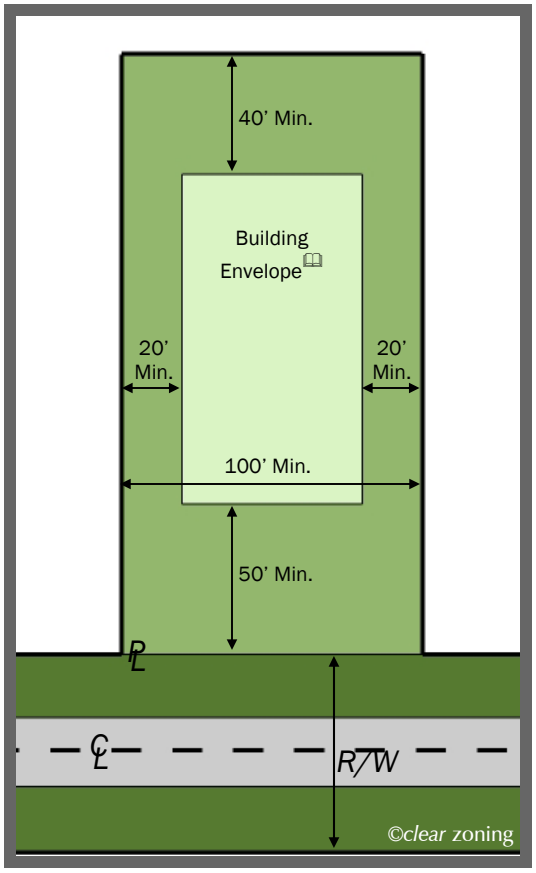
Minimum front yard setback:	50 ft
Minimum rear yard setback:	40 ft
Minimum side yard setback:	20 ft

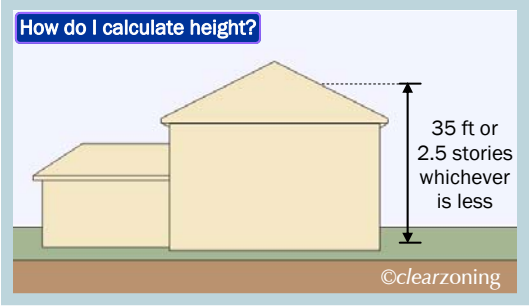
Building Height

Maximum building height:	
Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18

5. Site Standards

- Paved Access §5.22.2
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Off-Street Parking and Loading §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.12 LC Limited Commercial

A. INTENT

The intent of the "LC" Limited Commercial District is to provide for meaningful and realistic commercial utilization of appropriate portions of the settlements of Hartland and Parshallville while preserving the small town architectural character, mixture of uses, compact layout and historical nature of each community. In order to carry out this purpose only those uses and styles of architecture and landscaping existing, typical and amenable to the era during which these two settlements were developing shall be permitted in this district. More specifically, the Limited Commercial District is intended to achieve the following objectives:

- Implement the Village Commercial future land use category recommendations of the Comprehensive Plan.
- Encourage development which is consistent with the density and design of existing traditional settlement development.
- Provide a land use transition between the settlement areas and the more rural areas of the township.
- Establish a complimentary and integrated mixture of employment, shopping, entertainment and civic uses which create walkable communities with less reliance on automobile travel.
- Create district community centers and focal points in the township.
- Help ensure a consistent architectural theme without restricting innovative design.
- Integrate public gathering places.
- Promote long term viability in the established settlement areas.
- Enable development and redevelopment to occur in a manner that will be compatible with the existing and new settlement environments.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Single family dwellings
ii. Retail stores containing less than 2,000 square feet of gross floor area, including:
   a. Food and beverage stores
   b. Food and beverage service establishments
   c. Personal service establishments
   d. Banking and financial institutions without drive-through service
   e. Repair shops for bicycles, appliances, shoes, jewelry, small motors, and other such items but not motor vehicles
   f. Music/dance studios and technical or vocational training facilities
iii. Professional offices containing less than 3,000 square feet of gross floor area
iv. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas
v. **Essential public service buildings, excluding storage yard** §4.26
vi. **Outdoor seating and dining areas** §4.47

C. ACCESSORY USES

i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

i. Two family dwellings
ii. Apartments
iii. **Bed and breakfast facilities** §4.18
iv. Any principal permitted non-residential uses, except office-type uses, containing between two thousand (2,000) and three thousand (3,000) square feet of gross floor area
v. **Outdoor retail sales or display, when accessory to a permitted use** §4.38
vi. Any principal permitted professional offices containing between three thousand (3,000) and five thousand (5,000) square feet of gross floor area
vii. **Adult day care facilities** and **child care centers** §4.12
viii. Private clubs and fraternal halls
ix. **Churches and religious institutions** §4.20
x. **Public & private elementary, intermediate or high schools** §4.42
xi. **Automobile repair - minor (provided all work is conducted indoors)** §4.60
xii. Personal fitness centers
xiii. Uses of the same nature or class as uses listed in this district as either a permitted Principal Use or a Special Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.

LC Limited Commercial

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	Same as adjacent lots or existing building if re-use
Minimum lot width:	Same as adjacent lots or existing building if re-use

Setbacks

Minimum front yard setback:	Same as adjacent lots or existing building if re-use
Minimum rear yard setback:	Same as adjacent lots or existing building if re-use
Minimum side yard setback:	Same as adjacent lots or existing building if re-use

Building Height

Maximum building height:

Principal building	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

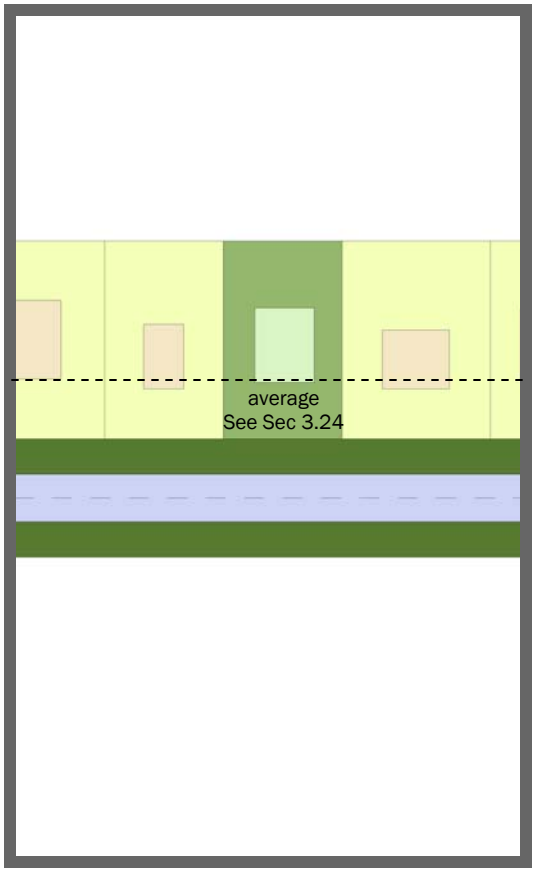
Floor Area

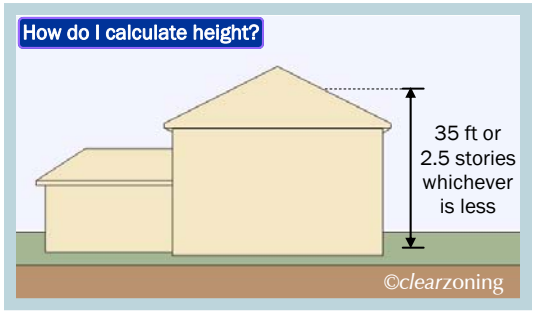
Minimum floor area per dwelling:

Efficiency apartment:	400 sq. ft
One bedroom apartment:	650 sq. ft
Two bedroom apartment:	850 sq. ft
Three bedroom apartment:	1,050 sq. ft

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 5, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- LC District Standards §3.19
- Architecture in the LC District §3.20
- Sidewalks §3.21
- Utilities §3.17.2
- Single Family Lot Coverage Exemption §3.25

5. Site Standards

- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Off-Street Parking and Loading Requirements §5.8.4.H.ii
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

7. Admin. and Enforcement

- 7.3 - 7.8

3.1.13 NSC Neighborhood Service Commercial

A. INTENT

The Neighborhood Service Commercial District is established to accommodate retail business and services to meet the day-to-day convenience shopping and service needs primarily for nearby residential neighborhoods. These districts are located to concentrate such uses as recommended in the Township Master Plan. The purpose of these carefully located districts is to prevent excessive commercial strip developments which may deteriorate traffic operations and safety, create unattractive roadway corridors and eventually lead to blight.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Retail stores with goods marketed to the surrounding neighborhood with a maximum building size of 4,000 square feet

ii. Professional and medical offices or clinics

iii. **Financial institutions with drive-through service** §4.57

iv. Personal service establishments

v. **Food and beverage service establishments, with a maximum occupancy of fifty (50) persons and excluding drive-thru or drive-in service establishments and those serving alcohol** §3.26

vi. Business service establishments

vii. **Adult day care facilities,** and **child care centers,** **preschool and day care centers** §4.12

viii. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas

ix. Public or private parks and open space

x. **Essential public services, provided there is no building or outdoor storage yard** §4.26.2

xi. **Outdoor seating and dining areas** §4.47

C. ACCESSORY USES

i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

i. Automobile parts sales, provided no automobile shall be worked on or stored on the premises

ii. Personal fitness centers, aerobic studios, tanning salons

iii. Coin-operated self-serve carwash establishments

iv. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or a Special Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission

NSC Neighborhood Service Commercial

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	
Without sewer	20,000 sq ft
With sewer	12,000 sq ft
Minimum lot width:	
Without sewer	100 ft
With sewer	60 ft

Maximum Lot Coverage

Principal structure	75%

Setbacks

Minimum front yard setback:	50 ft
Minimum rear yard setback:	40 ft
Minimum side yard setback:	15 ft

Building Height

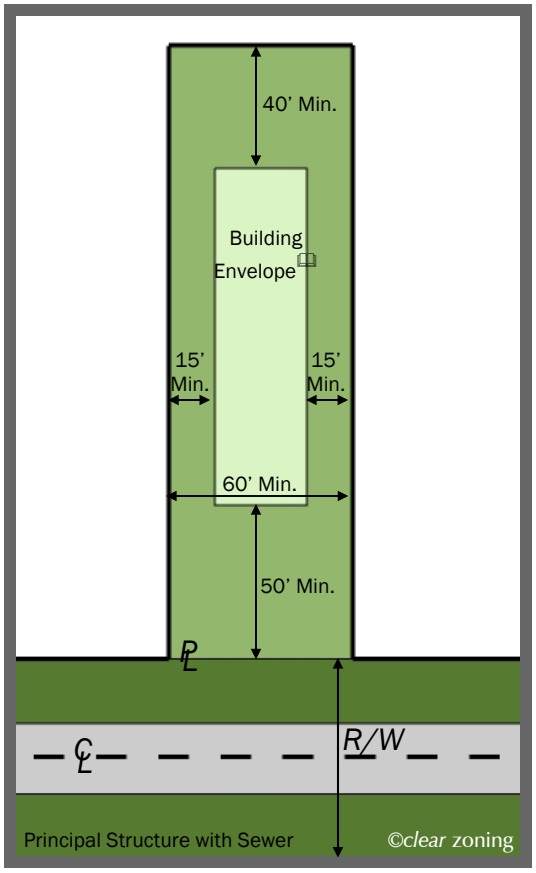
Maximum building height:	
Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

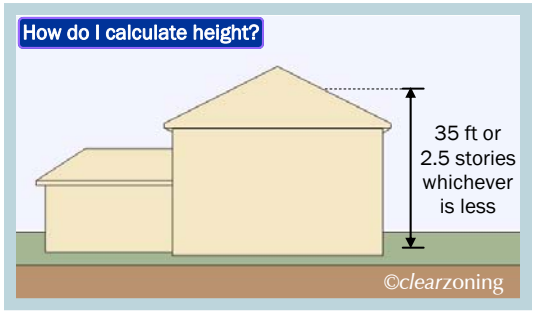
Floor Area

Minimum floor area:	4,000 sq ft

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18

5. Site Standards

- Paved Access §5.22.3
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Off-Street Parking and Loading Requirements §5.8
- Access Management and Driveways §5.10
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.14 GC General Commercial

A. INTENT

The "GC" General Commercial District is established to accommodate those retail businesses and services which are intended to serve the requirements of the Hartland community. The large size and variety of permitted commercial uses typically generates significant volumes of vehicular traffic. Uses in the "GC" District typically require a relatively large area devoted to off-street parking and loading, and tend to create problems of congestion. It is intended to direct all intensive commercial development to those areas designated as such on the Hartland Township Comprehensive Plan.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Retail stores, wholesale clubs, or retail centers up to sixty thousand (60,000) square feet in gross floor area
ii. Professional and medical offices or clinics
iii. **Financial institutions with drive-through service** §4.57
iv. Personal service establishments
v. Food and beverage service establishments, excluding drive-in or drive-through service, live entertainment or dancing
vi. **Outdoor seating and dining areas** §4.47
vii. Business service establishments
viii. **Adult day care facilities,** and **child care centers,** **preschool and day care centers** §4.12
ix. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas
x. Public or private parks and open space
xi. Business and private schools operated for a profit completely within an enclosed building
xii. **Churches and religious institutions** §4.20
xiii. Essential public services, provided there is no building or outdoor storage yard
xiv. Banquet halls, assembly halls, private clubs, lodge halls or similar places of assembly.
xv. **Funeral homes and mortuary establishments** §4.29
xvi. Theaters and concert halls
xvii. Newspaper offices and accessory printing/ distribution.
xviii. Personal fitness centers
xix. **Veterinary offices, small animal** §4.45

C. ACCESSORY USES

i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

i. **Automobile service stations** §4.16
ii. **Automobile sales** §4.15
iii. **Automobile wash, when within a completely enclosed building** §4.17
iv. Billiard halls
v. **Open air business uses** §4.38
vi. **Drive-in establishments for the retail delivery of products to customers in automobiles where the type of drive-in establishment is not otherwise specifically included in this Ordinance** §4.24
vii. **Essential service facilities and related accessory storage yards, including telephone exchange buildings and public utility offices** §4.26
viii. Garden centers, nurseries and greenhouses.
ix. Leasing of recreational, landscaping, or moving equipment
x. **Large institutional uses** §4.53
xi. **Motels and hotels** §4.36
xii. **Outdoor and indoor commercial recreation** §4.40
xiii. **Radio and television towers** §4.39
xiv. Restaurant, bar, or brew-pubs, including with live entertainment or dancing. **With drive-in or drive-through service** §4.28
xv. **Shopping centers and other stores of over sixty thousand (60,000) square feet in gross floor area** §4.46
xvi. Restaurant, bar, or brew-pubs including with live entertainment or dancing. With drive-in or drive-through service.
xvii. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
xviii. **Automobile fueling and convenience station** §4.58
xix. **Automobile repair - minor** §4.60

GC General Commercial

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	
Without sewer	40,000 sq ft
With sewer	20,000 sq ft
Minimum lot width:	120 ft

Maximum Lot Coverage

Principal Structure	75%

Setbacks

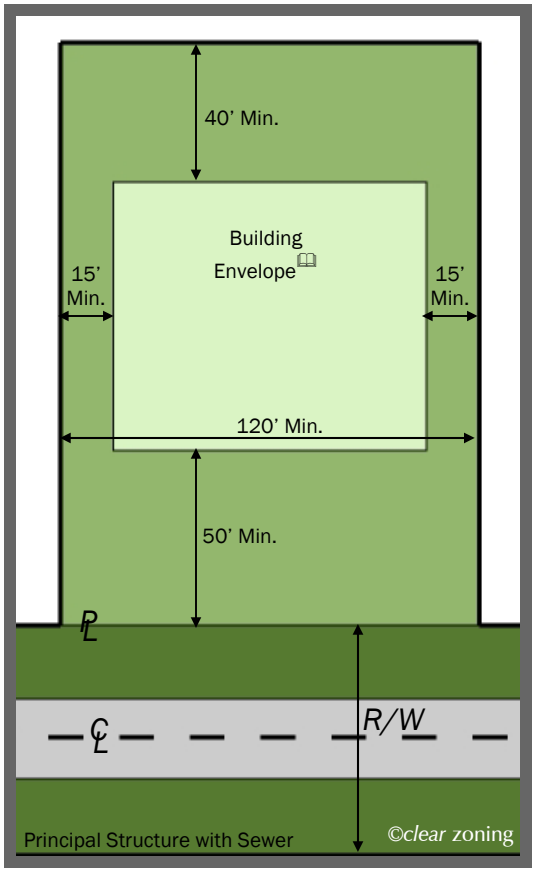
Minimum front yard setback:	50 ft
Minimum rear yard setback:	
Without sewer	0 ft
With sewer	40 ft
Minimum side yard setback:	15 ft

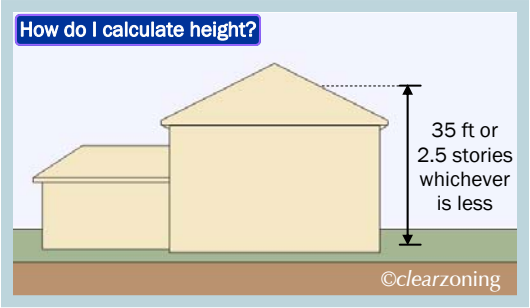
Building Height

Maximum building height:	
Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- Planned Development §3.1.18

5. Site Standards
- Paved Access §5.22.3
- Off-Street Parking and Loading Requirements §5.8
- Access Management and Driveways §5.10
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures
- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.15 RDP Research & Development Park

A. INTENT

The RDP Research and Development Park District is intended to provide for office research and related facilities while specifically excluding incongruous uses. The uses permitted within this district are distinct from other industrial districts since the uses are generally lower intensity with minimal impacts outside of the principal buildings. Accessory uses which complement and support the principal uses and are intended for use by employees and visitors of the principal uses and are intended for use by employees and visitors of the principal uses are allowed when meeting the standards of this district.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Any use with the principal function of conducting research, design, testing and pilot or experimental product development.

ii. Vocational schools and other types of technical training facilities.

iii. Computer programming, data processing and other computer related services.

iv. Professional & medical offices

v. (Reserved)

vi. **Financial institutions with drive-through service** §4.57

vii. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas

viii. **Essential services and buildings without storage yards** §4.26

ix. Public or private parks and open space

x. **Outdoor seating and dining areas** §4.47

C. ACCESSORY USES

i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

i. Office parks (10 acre minimum).

ii. Standard restaurants

iii. **Child day care and adult day care facilities** §4.12

iv. **Indoor tennis facilities, personal fitness centers and recreation centers** §4.40

v. Use of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.

RDP Research & Development Park

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	5 Acres
Minimum lot width:	200 ft

Maximum Lot Coverage

Principal structure	65%

Setbacks

Minimum front yard setback:	50 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	25 ft

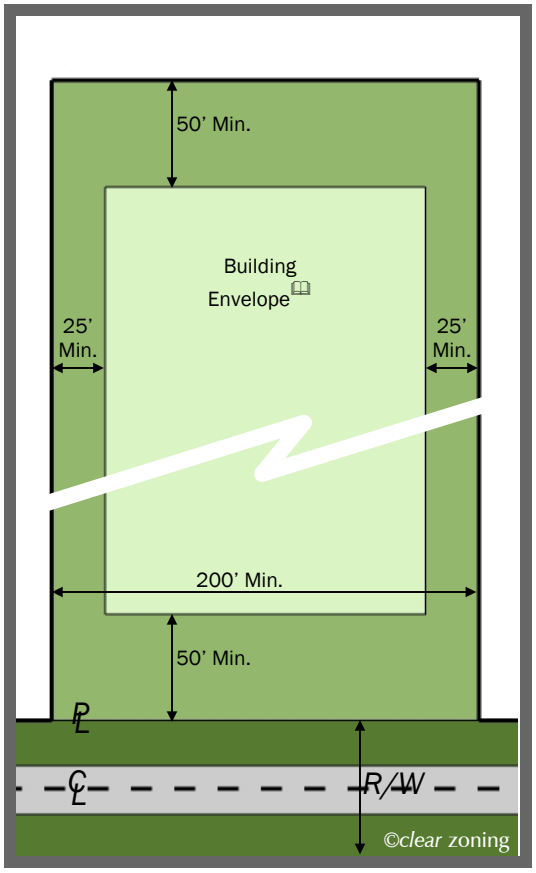
Building Height

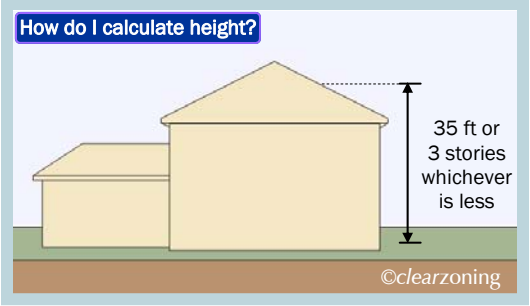
Maximum building height:

Dwelling unit	35 ft or 3 stories whichever is less
Accessory structure	20 ft or 1 story

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18
- Outdoor Storage §3.18

5. Site Standards

- Loading Space Requirements §5.9.2.G.iv
- Paved Access §5.22.3
- Off-Street Parking and Loading Requirements §5.8
- Access Management and Driveways §5.10
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.16 LI Light Industrial

A. INTENT

The LI, Light Industrial District is designed so as to primarily accommodate industrial parks, wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding districts. The LI District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location is not to be permitted.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Any use with the principal function of conducting research, design, testing and pilot or experimental product development.

ii. Vocational schools and other types of technical training facilities.

iii. Computer programming, data processing and other computer related services.

iv. Professional & medical offices

v. (Reserved)

vi. **Financial institutions with drive-through service** §4.57

vii. Publicly owned and operated facilities

viii. **Essential services, buildings and storage yards** §4.26

ix. Public or private parks and open space

x. **Outdoor seating and dining areas** §4.47

xi. Light industrial uses

xii. Business services

xiii. **Mini warehouses** §4.35

xiv. Commercial greenhouses

xv. Lumber yards and millworks, provided any mills are completely enclosed

xvi. Public buildings, post offices, libraries, libraries, community centers, including outdoor storage.

xvii. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.

C. ACCESSORY USES

i. **Sales at a commercial greenhouse** §3.22.1

ii. **Personal fitness centers accessory to industrial use** §3.22.2

iii. **Caretaker living quarters** §4.51

iv. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

i. **Child day care and adult day care centers** §4.12

ii. **Indoor tennis facilities, fitness and recreation centers** §4.40

iii. Urgent care facilities

iv. **Motels and hotels** §4.36

v. Standard restaurants

vi. Freezer locker plants and cold storage

vii. **Heliports** §4.13

viii. **Radio, television and other communication towers** §4.39

ix. **Outdoor storage accessory to a permitted use** §3.27

x. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.

xi. **Automobile repair - major** §4.59

LI Light Industrial

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	40,000 sq ft
Minimum lot width:	120 ft

Maximum Lot Coverage

Principal structure	75%

Setbacks

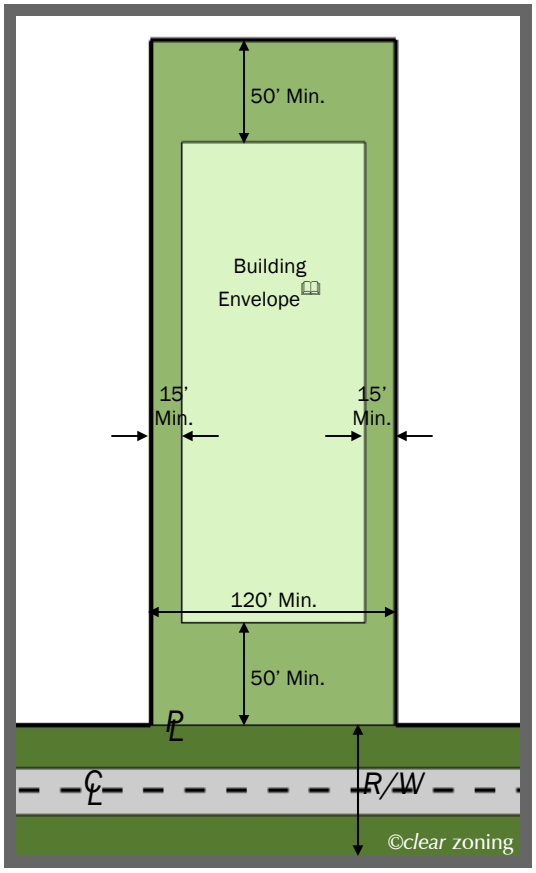
Minimum front yard setback:	50 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	15 ft

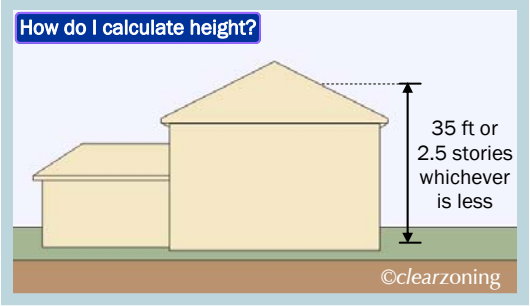
Building Height

Maximum building height:	35 ft or 2.5 stories whichever is less

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18
- Light Industrial District §3.22
- Commercial Greenhouse §3.22.1

5. Site Standards

- Paved Access §5.22.3
- Off-Street Parking and Loading Requirements §5.8
- Access Management and Driveways §5.10
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.17 I Industrial

A. INTENT

The intent of the I, Industrial District is to accommodate manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, which have the potential for emitting obnoxious odors, generating heavy truck traffic, producing noises, displaying bright light and other external physical effects which may impact surrounding districts. The I District is structured to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared materials.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Any use with the principal function of conducting research, design, testing and pilot or experimental product development.** §3.23
ii. Vocational schools and other types of technical training facilities.
iii. Computer programming, data processing and other computer related services.
iv. Professional & medical offices
v. (Reserved)
vi. Financial institutions without drive-through service
vii. Publicly owned and operated buildings and facilities
viii. **Essential services, buildings and storage yards** §4.26
ix. Public or private parks and open space
x. **Outdoor seating and dining areas** §4.47
xi. Light industrial uses
xii. Business services
xiii. Commercial greenhouses
xiv. Lumber yards and millworks, provided any mills are completely enclosed.
xv. Municipal uses, including outdoor storage.
xvi. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
xvii. **Sales at a commercial greenhouse** §3.22.1
xviii. **Automobile repair - major** §4.59

C. ACCESSORY USES

xix. **Personal fitness centers accessory to industrial use** §3.22.2
xx. **Caretaker living quarters** §4.51
xxi. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

i. **Heavy industrial uses** §3.23
ii. **Child day care and adult day care centers** §4.12
iii. **Indoor tennis facilities, fitness and recreation centers** §4.40
iv. Urgent care facilities
v. Motels and hotels
vi. Standard restaurants
vii. Agricultural seed processing, storage and sales
viii. **Heliports** §4.13
ix. **Radio, television and other communication towers** §4.39
x. **Asphalt, transit mix or concrete plant** §4.14
xi. Landfill
xii. **Truck service establishments** §4.16
xiii. **Recreational vehicle sales and service** §4.15
xiv. **Bulk storage and distribution facilities for petroleum products, paints and chemicals** §4.21
xv. **Junk yards which receive, temporarily store, disassemble, and reclaim used or damaged goods for the purpose of rehabilitation and resale as used or rebuilt goods or scrap materials.** §4.32
xvi. **Sexually Oriented Businesses** §4.11
xvii. **Oil and gas processing plant** §4.37
xviii. Proving grounds, when directly related to an adjoining business
xx. **Extractive uses such as sand and gravel mining, and other similar excavation processes** §4.5
xxi. **Composting and recycling centers** §4.22
xxii. Central dry cleaning plants and laundries, provided that such plants shall not deal directly with consumers at retail.
xxiii. **Outdoor storage accessory to a permitted use** §3.27
xxiv. Accessory incinerators and accessory propane sales.
xxv. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.

I Industrial

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	10 Acres
Minimum lot width:	330 ft

Maximum Lot Coverage

Principal structure	75%

Setbacks

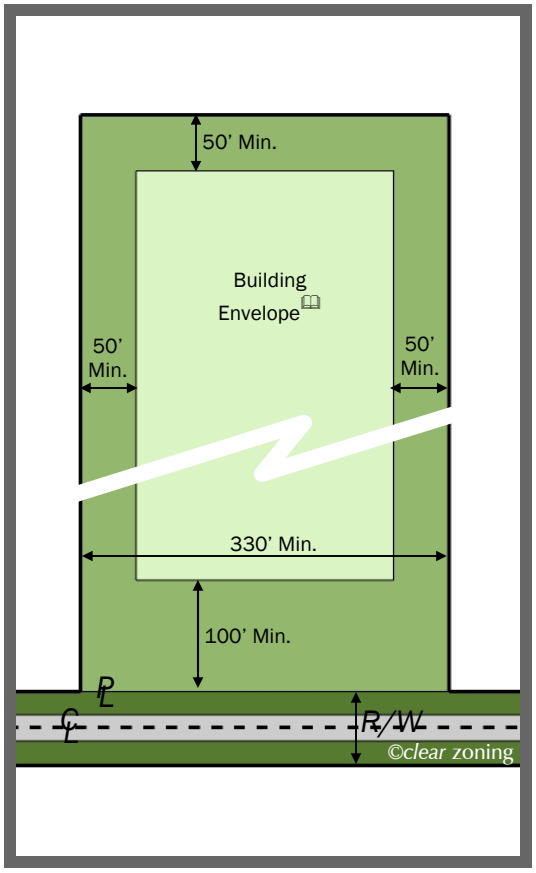
Minimum front yard setback:	100 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	50 ft

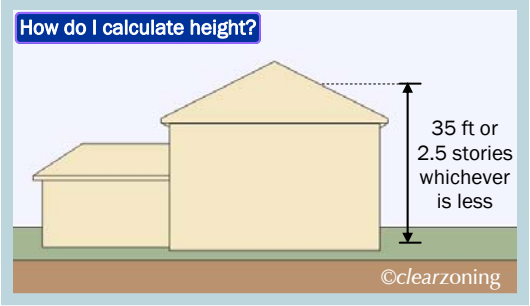
Building Height

Maximum building height:	35 ft or 2.5 stories whichever is less

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- Special Uses in the I District §3.23
- Planned Development §3.1.18
- Commercial Greenhouse §3.22.1

5. Site Standards
- Paved Access §5.22.3
- Off-Street Parking and Loading Requirements §5.8
- Access Management and Driveways §5.10
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures
- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

3.1.18 PD Planned Development

A. INTENT.

The intent of the "PD" Planned Development District is to provide areas within which several land use types can be developed through innovative and thoughtful land use design. While traditional bulk requirements may be set aside in this District in order to achieve particular design objectives, the Township intends that any such District use should adhere to all applicable health and building codes and clearly demonstrate a commitment to maintaining a balance between residential and non-residential use, between public open space provided and private land set aside, and in accordance with the ability of the remainder of the Township to absorb and effectively deal with the attendant growth. Planned Developments are encouraged to achieve:

i. A choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre or a reduction in lot dimensions, yards, building setbacks, and area requirements.

ii. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services accessory to the recreation uses.

iii. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.

iv. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.

v. A development pattern in harmony with the Goals and Objectives of the Hartland Township Comprehensive Plan.

B. ELIGIBILITY CRITERIA

To be eligible for Planned Development approval, the applicant must demonstrate that the following criteria will be met:

i. Recognizable Benefits. The Planned Development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality of development than could be achieved under conventional zoning.

ii. Minimum Size

These provisions are generally intended for implementation on a land area of at least twenty (20) acres of contiguous land. However, the Township Board, upon recommendation from the Planning Commission, may permit a smaller Planned Development if:

a. The proposed project has unique characteristics and benefits or the parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements which cross the parcel.

b. If the applicant desires an area of less than twenty (20) acres to be considered by the Township, the applicant shall submit a letter to the Township requesting a waiver of the minimum Planned Development size requirements and explaining the basis for the request. In particular, the applicant must describe the proposed benefits to the community, the unique characteristics of the site or project and any other reasons for waiver of the minimum area provision. The request shall be submitted as part of the request for conceptual approval of the Planned Development. The Planning Commission shall review the request for the smaller area as part of the overall concept plan and make a recommendation to the Township Board. The Township Board shall make the final decision concerning a request to waive the Planned Development minimum size requirement.

iii. Use of Public Services. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.

iv. Compatibility with Comprehensive Plan. The proposed development shall not have an adverse impact upon the Comprehensive Plan for the Township. Notwithstanding this requirement, the Township may approve a Planned Development proposal that includes uses which are not called for on the Future

Land Use Map, provided that the Planning Commission and Township Board determine that such a deviation from the Future Land Use Map is justified in light of the current planning and development objectives of the Township.

v. Unified Control. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project, or assuring completion of the project, in conformity with this Ordinance.

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 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. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township in advance of the transfer.

C. PLANNED DEVELOPMENT DESIGN STANDARDS

Proposed planned developments shall comply with the following project design standards:

i. Location. A planned development may be approved in any location in the Township, subject to review and approval as provided for herein.

ii. Paved Access. All planned developments shall front upon and take access only from hard surfaced roads. All roads in a planned development shall be hard surfaced.

iii. Permitted Uses. Any land use authorized in this Ordinance may be included in a planned development as a principal or accessory use, provided that:

a. The predominant use on the site shall be consistent with the uses specified for the parcel on the Township's Comprehensive Plan for Future Land Use.

b. There shall be reasonably harmonious relationship between the location of buildings on the site relative to buildings on land in the surrounding area.

c. The mix of uses and the arrangement of those uses within a planned development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.

iv. Residential Density. It is generally intended that the overall density of residential uses within a planned development should not exceed the density that could be achieved for the land to be developed in accordance with the adopted Hartland Township Comprehensive Plan. However, the Planning Commission and Township Board may agree to permit development of additional "bonus" dwellings when a proposed development exhibits outstanding design principles and will constitute a long-lasting positive attribute to the community. The Planning Commission may agree to recommend up to a forty (40%) increase in dwellings on a site in recognition of such outstanding attributes. The Township Board in its sole discretion shall have the ability to approve such density increase up to forty (40%) percent subsequent to an affirmative recommendation from the Planning Commission. Thus, if the planned development land area would accommodate one-hundred (100) dwellings in accordance with the Comprehensive Plan, the planned development plan could include up to one-hundred and forty (140) dwellings if a maximum bonus was awarded by the Planning Commission and Township Board. The bonus could be used for either single-family detached dwellings or for multiple-family attached dwellings, at the discretion of the Planning Commission and Township Board.

Examples of outstanding design attributes that may result in the award of a density bonus by the Planning Commission and Township Board include:

a. Innovative energy efficient design; provision of additional open space in excess of required open space; added improvements to assure vehicular and pedestrian safety; or, added landscaping or other site features to assure a long-term aesthetically pleasing appearance.

b. The planned development reclaims land in a manner that is consistent with the Comprehensive Plan, where previous use of the land causes severe development difficulties or constraints such as reclamation of land that has been previously mined or excavated.

c. The planned development would include certain public facilities, such as a sewer treatment plant or public water treatment and distribution facilities, to enhance the long-term viability of the project and allow for more efficient use of the land and surrounding land.

d. The proposed arrangement of uses and residential densities within the planned development enhances the compatibility of proposed development with existing or planned land use on adjacent land.

e. Provision of a greater amount of open space than the minimum requirements specified by the Township.

v. Design Details. The applicant shall prepare a detailed description of the following elements to be implemented in the proposed planned development. Such design details are commonly described in a "Pattern Book." If the applicant chooses to create such a Pattern Book to respond to the minimum design detail requirements described in subsection 3.1.18.C.vi., the book shall be submitted as part of the preliminary review application.

a. Public and private road dimensions, geometric design, and construction materials

b. Streetscape details for typical sections of interior and exterior roads indicating relative sizes and locations of landscape plantings, street lights, any proposed street furniture, waste baskets, and similar elements

c. Locations and sizes of open spaces for parks and resource preservation and any related improvements or modifications

d. Public facilities

e. Scale and form of buildings

f. Building locations, lot sizes and setbacks

g. Architectural features and materials

h. Exterior signs and lighting

i. Driveways and parking

j. Landscaping

vi. Minimum Design Detail Requirements. The following minimum standards shall apply to a planned development unless a different standard is approved in the design details submitted and approved in accordance with 3.1.18.C.v above. If a Pattern Book is created and approved in accordance with 3.1.18.C.v above, the design details included in the Pattern Book shall replace the specifications of this subsection as described below. If such Pattern Book fails to address a minimum design detail requirement, the specification indicated in this subsection shall prevail.

a. Minimum Yard Requirements. Modification to these yard setback requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.

3.1.18.C.vi.a Minimum Yard Requirements

Yard Location	Type of Use	
	Residential	Non-Residential
Along perimeter adjacent to public road	50 ft.	75 ft.
Along perimeter, but not adjacent to a road	40 ft.	40 ft.
Along an internal collector or local road	40 ft.	50 ft.
Along an internal thoroughfare road	50 ft.	75 ft.
Between parking lot and property line and adjacent to road	40 ft.	20 ft.
Between parking lot and property line but not adjacent to road	50 ft.	20 ft.

b. Distances Between Buildings. Buildings within a planned development shall comply with the following spacing requirements, unless otherwise specified by the PD agreement:

(1) Any detached single family structure shall be located at least thirty (30) feet from any other detached single family structure, and shall provide a minimum side yard setback of fifteen (15) feet on both sides.

(2) The minimum rear yard setback and minimum lot size for detached single family structures in a planned development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.

(3) Residential buildings containing more that one unit (including: apartments; townhouses; and any other attached dwellings) shall conform to the spacing requirements set forth in Section 3.1.7.

(4) Nonresidential buildings shall be located at least one hundred (100) feet from any residential buildings.

(5) The distance between adjacent freestanding nonresidential structures shall be based on good planning and design principles, taking into account the need for: free access for emergency vehicles, adequate amounts of light and air between buildings, and proper amounts of landscaping. Modification to these building spacing requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other building spacing requirements would be more appropriate because of the particular design and orientation of buildings.

c. Building Height. No building in a planned development shall be greater than thirty-five (35) feet in height.

d. Parking and Loading. Planned Developments shall comply with the parking and loading requirements specified in Section 5.8, Loading Space Requirements and Section 5.9, Off-Street Parking Requirements of the Zoning Ordinance, except that off-street parking for separate buildings or uses may be provided collectively, subject to the following:

(1) The total number of spaces provided collectively shall not be less than the sum of the spaces required for each separate use. However, the Township may reduce the total number of spaces by up to twenty-five percent (25%) upon making the determination that the parking demands of the uses being served do not overlap.

(2) Each use served by collective off-street parking shall have direct access to the parking without crossing roads.

(3) The collective off-street parking shall not be located farther than five hundred (500) feet from the building or use being served.

e. Landscaping. Planned Developments shall comply with the following landscaping requirements:

(1) General Site Requirements. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Seeded areas shall be watered and fertilized regularly so as to provide a healthy lawn within ninety (90) days after planting.

(2) Landscaping Adjacent to Roads. All commercial, office, and industrial uses shall comply with the following requirements: A minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, PLUS, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, PLUS, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. All landscaping adjacent to roads shall comply with the corner clearance requirements in Section 5.1.

(3) Berm Requirements. Wherever front, side, or rear yards adjacent to public

rights-of-way are used for parking, a berm shall be required to screen the parking from view of the road. The berm shall be a minimum of three (3) feet in height, and shall be planted in accordance with the previous requirements for landscaping adjacent to roads.

(4) Screening. Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a commercial, office, or industrial use is located adjacent to a residential use, school, park, or similar public area. Landscaped screening shall consist of closely-spaced evergreen plantings which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. If a wall is used instead of landscaping, the requirements in Section 5.20, shall be complied with.

(5) Parking Lot Landscaping. Off-street parking areas containing greater than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior landscaping per parking space. Landscaped areas in parking lots shall be not less than five (5) feet in any single dimension, and no less than one hundred fifty (150) square feet in area.

(6) Standards for Plant Material. Proposed plant materials shall comply with the standards set forth in Section 5.11.

(7) Treatment of Existing Plant Material. In instances where healthy plant material exists on the site prior to its development, the Township may permit substitution of such plant material in place of the requirements set forth previously, provided such substitution is in keeping with the spirit and intent of this Ordinance.

(8) Buffering of Nonresidential Uses. Nonresidential uses shall be separated and buffered from residential units in a manner that is consistent with good site design and sound planning principles.

f. Open Space Requirements. Open space shall be provided to complement and accentuate the high-quality design of the proposed planned development. At minimum, the planned development shall provide open space consistent with the previous zoning designation for the site. Provision of a greater amount of open space shall be considered an example of design excellence that shall contribute to the basis for consideration of a residential density bonus. Open space included in the planned development shall be maintained in perpetuity in accordance with the provisions of the planned development agreement.

g. Natural Features. Consistent with the stated intentions for creation of these regulations, the preservation of the natural features of the Township are an important planning consideration. A PD proposal must consider the natural topography and geologic features, scenic vistas, trees and other vegetation, and natural drainage patterns that exist on the PD site and propose a development pattern which preserves and avoids disruption of those natural features as much as possible.

h. Sidewalks and Pedestrian Access. The applicant must demonstrate that the PD site and all uses within the site will be connected to any existing pedestrian and nonmotorized vehicle paths and trails within a public right-of-way or easement open to the public.

i. Other Considerations. The applicant shall consider and address in the proposal other local features or development characteristics of the proposed PD that may produce conflict between existing development, other development proposed for the area around the PD and the uses or layout of the uses proposed in the PD. The Planning Commission or Township Board shall advise the applicant of particular conflicts should such be known to the Township officials.

D. PROCEDURES AND REQUIREMENTS

The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and

designate the subject property as "PD Planned Development". Approval granted under this Section, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

i. Summary of Review Procedures. A summary of the steps involved in the review of planned development applications follows:

a. Optional pre-application conference 3.1.18.D.iii

b. Submit conceptual review application 3.1.18.D.iv

c. Planning Commission conceptual review 3.1.18.D.iv.

d. Township Board conceptual review 3.1.18.D.iv

e. Submit preliminary review application 3.1.18.D.v

f. Public hearing held by Planning Commission 3.1.18.v.c

g. Planning Commission preliminary review 3.1.18.D.v.d

h. State and County Notification 3.1.18.D.v.e

i. Township Board preliminary review 3.1.18.D.v.f

j. Submit final review application 3.1.18.D.vi

k. Planning Commission final review and action 3.1.18.D.vi.b

l. Township Board final review and action 3.1.18.D.vii

A detailed explanation of the review procedures follows.

ii. General Application Requirements. The application for planned development shall be made on the forms and according to the guidelines approved by the Planning Commission. The application shall be submitted to the Township Zoning Administrator and shall be accompanied by the necessary fees and documents as specified in this Ordinance. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.

iii. Pre-Application Conference. To facilitate review of a planned development proposal in a timely manner, the applicant may request an informal pre-application conference. 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. No formal action shall be taken at a pre-application conference. There shall be a fee established by the Township to reimburse the cost of reasonable expenses incurred by the Township for a pre-application conference. At minimum, the applicant shall present at such a conference or conferences:

a. A sketch plan of the proposed planned development.

b. A legal description of the property in question.

c. The total number of acres in the project

d. A statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use proposed in the development.

e. The number of acres to be preserved as open or recreational space.

f. All known natural resources and natural features to be preserved.

iv. Conceptual Review. Planned Development projects are required to be submitted for a conceptual review in order to facilitate a complete and thorough review prior to approval. This requirement is deemed necessary because planned development projects are generally complex projects that could have a major impact on surrounding land uses and significantly affect the health, safety and general welfare of Township residents.

a. Conceptual Review Procedure. Conceptual review shall be undertaken first by the Planning Commission and then by the Township Board at public meetings held pursuant to all applicable notice requirements. No formal action shall be taken on a plan submitted for conceptual review. Upon completion of the conceptual review by the Planning Commission and Township Board, the minutes of the conceptual review meetings shall be prepared and be made available for the benefit and use of the Planning Commission during the formal consideration of the proposal.

b. Information Required for Conceptual Review. The information required for conceptual review shall be provided

according to the requirements of Section 3.1.18.E.i of this Ordinance and shall be submitted to the Township Zoning Administrator at least twenty-one (21) days prior to a meeting for conceptual review.

c. Effect of Conceptual Review. The conceptual review shall not constitute any form of approval of the planned development or the site plan. The process is intended to facilitate preliminary review and to give the applicant an indication of the issues and concerns that must be resolved prior to final approval of the site plan for the planned development project.

v. Preliminary Plan Review (Including Public Hearing). Planned Development projects shall undergo a two-step plan review and approval process involving preliminary and final review. The procedures for preliminary review are outlined in this sub-section. The preliminary site plan shall be subject to the site plan review requirements in Section 6.1 Site Plan Review where applicable, as well as the additional requirements in this Ordinance.

a. Information Required for Preliminary Plan Review. The information required for preliminary review of proposed Planned Developments with less than one-thousand (1,000) acres shall be provided according to the requirements of Section 3.1.18.E.ii. For a proposed Planned Development which includes one-thousand (1,000) or more acres in area, the minimum data required shall be as described in Section 3.1.18.E.i . The applicant shall submit fourteen (14) copies of the preliminary plan and supporting materials to the Zoning Administrator at least twenty-one (21) working days prior to scheduled meeting at which Planning Commission review is desired.

b. Professional Review. The Planning Commission may request professional review of the preliminary plans by appropriate agencies or consultants, such as the Township Planner and Township Engineer. If such review is requested, the designated agencies or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The Township shall require the applicant to pay the cost of any such review fees.

c. Public Hearing. The Planning Commission shall hold a public hearing on any planned development proposal before it is approved.

(1) Scheduling a Public Hearing. The Planning Commission shall schedule at least one public hearing after any designated agencies or consultants have completed their review and submitted their findings concerning the proposed project.

d. Planning Commission Preliminary Review and Recommendation

(1) Following the public hearing, the planned development proposal and plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations, compliance with the planned development regulations, and consistency with the intent and spirit of this Ordinance.

(2) Preliminary Recommendation by the Planning Commission. Based on the standards and requirements set forth in this Ordinance and in this Section, the Planning Commission shall recommend preliminary approval, preliminary approval subject to conditions, or denial of the proposed planned development project and site plan. Such recommendation shall be made to the Township Board.

(3) Effect of Preliminary Approval or Denial. A recommendation of preliminary approval shall mean that the Planning Commission determined 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:

(a) No unresolved negative comments are received by any governmental agencies or public utilities; and

(b) 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.

A recommendation of denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met.

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 an agenda of the Planning Commission for further review and possible action.

e. State and County Notification

(1) The following agencies shall be notified of a planned development project prior to final site plan approval:

(a) The Livingston County Road Commission and, 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 Livingston County Drain Commissioner; and

(c) The Livingston County Health Department and the State of Michigan Department of Environmental Quality.

In the event that negative comments are received from any of these agencies, the Planning Commission and Township Board 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) In addition to the specific required approvals, all planned development project site plans shall have been submitted to the Michigan Department of Environmental Quality, each of the public utilities serving the site, and any other state agency designated by the Planning Commission, for informational purposes. The Planning Commission and Township Board shall consider any comments made by these agencies prior to final site plan approval.

f. Township Board Preliminary Review and Approval. Following receipt of the Planning Commission's recommendation, the planned development proposal and plan shall be reviewed by the Township Board in relation to applicable standards and regulations, compliance with the planned development regulations, and consistency with the intent and spirit of this Ordinance.

(1) Preliminary Approval by the Township Board. Based on the standards and requirements set forth in this Ordinance and in this Section, the Township Board shall preliminarily approve, preliminarily approve subject to conditions, or deny the proposed planned development project and site plan.

(2) Effect of Preliminary Approval or Denial. 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 Township Board as part of its motion, preliminary approval assures the applicant that the Township Board will grant final approval if:

(a) No unresolved negative comments are received by any

governmental agencies or public utilities; and

(b) 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 Township Board.

A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met.

If the Township Board 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 an agenda of the Township Board for further review and possible action.

After the applicant gains preliminary approval by the Township Board, the applicant may proceed to make application for final approval.

vi. 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 3.1.18.E.iii.

a. Submission of Revised Site Plan. The applicant shall submit fourteen (14) copies of the revised plan to the Township Zoning Administrator for final review by the Planning Commission. The revised plan shall be submitted at least twenty-one (21) working days prior to a scheduled meeting at which Planning Commission review is desired.

b. 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 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 insuring 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, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance and the standards set forth in Section 3.1.18.F. 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 3.1.18.H.

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 6.1, 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 6.1, Site Plan Review and

(c) phasing requirements in Section 3.1.18.G shall be complied with.

(3) 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 3.1.18.F, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.

c. Transmittal of Findings to Township Board. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.

vii. Township Board Action Required. Following receipt of the Planning Commission's report, the application shall be placed on a meeting agenda of the Township Board. The Township Board shall review the final plan and 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 3.1.18.D.vi.b.

a. Planned Development Agreement. If the Township Board approves the planned development proposal, the Township and applicant shall execute the planned development agreement, which shall be recorded in the office of the Livingston County Register of Deeds. Final approval of the planned development plan shall become effective upon recording of the agreement.

b. Effect of Approval. Approval of a planned development proposal shall constitute an amendment to the Zoning Ordinance. 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 this Ordinance. 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.

viii. 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.

ix. Completion of Site Design. Following final approval of the planned development proposal, a building permit may be obtained for the entire project or specific phases and provided that the engineering plans for the project or the phase, as applicable, have been approved by the Township Engineer and Livingston County Building Department. 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.

Construction shall commence on at least one phase of the project within twenty-four (24) months of final approval. The Township Board

may consider a twelve (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. The written request for extension must be received prior to the 24-month expiration date. In the event that construction has not commenced and a request for extension has not been received within 24 months, the Township may initiate proceedings to amend the zoning classification of the site to remove the "PD" classification.

It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved planned development amendment on a continuing basis until the property is razed, or until an amendment to the planned development is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties appropriate for such violation.

Prior to expansion or conversion of a planned development project to include additional land, site plan review and approval shall be required pursuant to the requirements of this Ordinance.

x. Performance Guarantee. A performance guarantee shall be deposited with the Township to insure faithful completion of improvements.

E. APPLICATION DATA REQUIREMENTS

i. The following information shall be provided prior to conceptual review, pursuant to Section 3.1.18.D.iv. For Planned Development proposals which include one-thousand (1,000) or more acres, the following information shall also constitute the minimum data required for consideration for preliminary review, pursuant to 3.1.18.D.v.

a. The name, address and telephone number of:

(1) All persons with an ownership interest in the land on which the planned development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).

(2) All engineers, attorneys, architects or registered land surveyors associated with the project.

(3) The developer or proprietor of the planned development project.

b. The legal description of the land on which the planned development project will be developed together with appropriate tax identification numbers.

c. The area of the land (in acres) on which the planned development project will be developed.

d. An overall conceptual land use plan for the planned development, drawn to scale. 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, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other non-residential uses; each type of open space; community facility and public areas; and other proposed land uses.

e. The conceptual land use plan shall also show the following information:

(1) A general location map.

(2) The vehicular circulation system planned for the proposed development.

(3) The location of existing private and public streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.

(4) The approximate layout of dwelling units, parking, open space, and recreation/park areas.

f. Approximate number of non-residential buildings and residential units to be developed on the subject parcel.

g. Topographic survey and soils inventory based on the Livingston County Soils Survey.

h. General locations and approximate dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.

i. A description of the proposed sewage treatment and water supply systems. Any proposed sewage treatment plant shall be located internally on the site or otherwise provided with an ample landscaped buffer so as to minimize any impact on surrounding properties, particularly adjacent to residential properties.

j. A map showing existing zoning designations for the subject property and all land within one quarter mile.

k. A map and written explanation of the relationship of the proposed planned development to the Township's Master Plan for Future Land Use.

l. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.

m. Documentation indicating the applicant's development experience.

ii. Requirements for Preliminary Review. In addition to the requirements in Section 6.1, Site Plan Review and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for preliminary review:

a. All preceding information required for conceptual review.

b. A detailed overall plan for the planned development which shows all of the information required on the conceptual land use plan plus the following:

(1) Locations and setbacks of each structure and use in the development.

(2) Typical layouts and facade design for each type of use or building.

(3) The building footprint of proposed buildings. In the case of single family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.

(4) The vehicular circulation system planned for the proposed development, including a designation of each street as to whether it is proposed to be private or dedicated to the public.

(5) The proposed layout of parking areas, open space, and recreation/park areas.

(6) Proposed landscape screening along the perimeter and within the site, including greenbelts, berms and screening walls.

c. The precise number of non-residential and residential units to be developed on the subject parcel.

d. An environmental analysis of the land, including a hydrology study, analysis of soil conditions, and analysis of other significant environmental features. The hydrology study shall consist of information and analysis in sufficient detail to indicate the impact of the project on surface water and groundwater.

e. Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.

f. A description of the proposed sewage treatment and water supply systems, including documentation from a qualified engineer indicating the feasibility of implementing such systems.

g. Storm water and drainage system details.

h. Location of sidewalks along roads and elsewhere within the development.

i. An analysis of the traffic impact of the proposed planned development on existing and proposed streets.

j. An analysis of the fiscal impact (costs and revenues) of the proposed planned development on the Township of Hartland and the Hartland Consolidated School District.

k. A general schedule for completing the planned development, including the phasing or timing of all proposed improvements.

iii. Requirements for Final Review. In addition to the requirements in Section 6.1, Site Plan Review and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for final review:

a. All information required for conceptual and preliminary review as specified in Sections 3.1.18.E.i. and 3.1.18.E.ii, previously.

b. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final planned development 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 6.1, Site Plan Review.

c. Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final planned development 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 engineering plans for each facility or phase. Such plans shall be prepared in accordance with the Township engineering standards, and shall at minimum include the following:

(1) Engineering plans for all roads, drive aisles, and paved areas,

(2) Site drainage plans, including retention and/or detention areas,

(3) Engineering plans for proposed utility systems, including sanitary sewerage and water systems.

(4) Plans for controlling soil erosion and sedimentation during construction.

d. Following approval of a planned development proposal and an amendment to the Zoning Ordinance per Section 3.1.18.D.vii, final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.

e. A proposed planned development agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the planned development proposal will be based. The planned development agreement shall, at minimum, include the following:

(1) A description of the land that is subject to the agreement.

(2) A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.

(3) List of all plans, documents, and other materials submitted by the applicant.

(4) Proposed construction phasing schedule for the entire planned development.

(5) Review and explanation of all special provisions agreed to by the applicant and Township during the course of review of the planned development proposal.

(6) An explanation of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed planned development project.

(7) Description of any required dedications and permits.

(8) Duration of the planned development agreement, along with terms under which a termination date may be extended by mutual agreement.

(9) Applicability of future amendments to the general zoning regulations to land that is subject to the proposed planned development agreement.

(10) Extent to which the planned development plan may be amended or otherwise modified and the procedure for amendment in order to specify if such amendment is subject to administrative approval, Planning Commission approval, or Township Board approval.

F. REVIEW AND APPROVAL STANDARDS

In considering any application for approval of a planned development plan, the Planning Commission and Township Board shall make their determinations on the basis of the standards for site plan approval set forth in Section 6.1, Site Plan Review as well as the following standards and requirements:

i. Conformance with the Planned Development Concept. The overall design and all uses proposed in connection with a planned development shall be consistent with and promote the intent of the planned development concept, as well as with specific project design standards set forth herein.

ii. Compatibility with Adjacent Uses. The proposed planned development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features to assure the compatibility and harmony in the land use relationships with the development of surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:

a. The bulk, placement, and materials of construction of proposed structures.

b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

d. The hours of operation of the proposed uses.

e. The provision of landscaping and other site amenities.

iii. Public Services. The proposed planned development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.

iv. Impact of Traffic. The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:

a. Access to major thoroughfares.

b. Estimated traffic to be generated by the proposed development.

c. Proximity and relation to intersections.

d. Adequacy of driver site distances.

e. Location of and access to off-street parking.

f. Required vehicular turning movements.

g. Provisions for pedestrian traffic.

v. Protection of Natural Environment. The proposed planned development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations. An impact assessment shall be prepared in accordance with the requirements of Section 6.1, Site Plan Review. If the State of Michigan Department of Environmental Quality or the United States Environmental Protection Agency has required preparation of an impact assessment report in accordance with the requirements of either of those agencies, the Planning Commission and Township Board may agree to accept that report as a reasonable substitute for the information otherwise required by Section 6.1, Site Plan Review.

vi. Compatibility with the Township Comprehensive Plan for Future Land Use. The proposed planned development shall be consistent with the general principles and objectives of the adopted Township Comprehensive Plan for Future Land Use.

vii. Compliance with Applicable Regulations. The proposed planned development shall be in compliance with all applicable Federal, state, and local laws and regulations.

G. 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 its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned development and the residents of the surrounding area.

Construction of any facility may commence at any time following site plan approval per Section 6.1, Site Plan Review provided that construction shall be commenced for each phase of the project within twenty-four (24) months of the scheduled date set forth on the phasing schedule in the planned development agreement. However, the applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement

indicating the conditions which made the previous phasing plan unachievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved planned development proposal.

In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.

H. REVISION OF APPROVED PLANS

i. General Revisions. Approved final plans for a planned development may be revised in accordance with the procedures set forth in Section 3.1.18D.

ii. Minor Changes. Notwithstanding Section 3.1.18.D.i, above, minor changes may be permitted by the Planning Commission following normal site plan review procedures outlined in Section 6.1, Site Plan Review subject to its finding that:

a. Such changes will not adversely affect the initial basis for granting approval.

b. Such minor changes will not adversely affect the overall planned development in light of the intent and purpose of such development as set forth in Section 3.1.18.A.

I. AUTHORITY OF THE ZONING BOARD OF APPEALS

A planned development is a discretionary development tool created in accordance with the provisions of Section 503 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. The Act authorizes creation of a "planned unit development" (termed "planned development" for purposes of this Zoning Ordinance) that is the result of negotiations between a private property developer and the Township. If a modification is required for a planned development, it must be considered as an amendment to the planned development, not a variance. The Zoning Board of Appeals shall have no authority to grant appeals or variances to the requirements of this Section 3.1.18, nor to the data or procedural requirements specified by the Planning Commission or Township Board during consideration of a request for planned development review and approval.

Upon completion of the approval procedure, the Zoning Board of Appeals shall have only limited authority to grant variances to the dimensional or use requirements and specifications within the boundaries of a planned development. The Zoning Board of Appeals is only authorized to consider requests for variance of the dimensional standards related to construction of a single family detached dwelling or an accessory structure for such a dwelling. Such request shall be considered by the Zoning Board of Appeals in accordance with the rules and procedures otherwise established for dimensional variances in this Ordinance and other applicable laws. The Zoning Board of Appeals is not authorized to consider any other appeal, request for variance or other request related to a planned development or these planned development regulations.

3.2 ADOPTION OF ZONING MAP

The boundaries of the Zoning Districts listed in Section 3.1 are hereby established as shown on the Official Zoning Map of the Township of Hartland, Livingston County, Michigan. The Zoning Map with all notations, references and information shown there on is hereby adopted as part of this Ordinance as if fully described herein. The Zoning Map shall be kept on file so as to be available for public examination at the Township Hall or at other designated locations.

In accordance with the provisions of this Ordinance and Michigan Public Act 110 of 2006, as amended, changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map after the amendment has been approved by the Township Board and has been published in a newspaper of general circulation in the Township. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in Section 6.1, Site Plan Review.

Regardless of the existence of copies of the Zoning Map which may, from time to time, be made or published, the official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township.

3.3 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall apply to the interpretation of zoning district boundaries:

1. Boundaries indicated as approximately following the center lines of streets, roads, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
4. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
5. Boundaries indicated as approximately following the shoreline of a body of water shall be construed to follow such shoreline; in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
6. Boundaries indicated as parallel to or as an extension of features cited in paragraphs A. through E. above shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official Zoning Map shall be determined using the scale on the map.
7. Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning Board of Appeals shall interpret the exact location of zoning district boundaries.
8. Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.

3.4 ZONING OF VACATED AREAS

Whenever any street, alley, or other public way within the Township is vacated, such street, alley, or other public way shall be automatically be classified in the same Zoning District as the property to which it attaches, and shall be subject to the standards for said Zoning District.

3.5 ZONING OF FILLED LAND

Whenever any fill is permitted in any stream or other body of water, the land created automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly-created land attaches

3.6 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT

1. General Requirements. A land use which 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 which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of services 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 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.

2. 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 or conditional use in any other district.

3.7 GENERAL YARD AND BULK 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 size, lot coverage, and setback requirements for the district in which it is located. No land use permit shall be issued for the construction of a building which does not comply. No yards 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, nor shall any such yard be counted, calculated or used to satisfy yard requirements pertaining to any other building.
2. Corner And Double Frontage Lots. Lots which abut on more than one public road or private road shall provide the required front yards along every such road or road easement.
3. Waterfront Lots. Lots which abut on a lake, pond or stream shall provide the required front yard along the waterfront and along every public or private road.
4. Setbacks and Building Location.
   A. All front yard setbacks shall be measured perpendicularly from the right-of-way line of any abutting public or private road and/or from the water line of any private or public body of water or stream which abuts, adjoins, is contiguous to or located upon the lot.
   B. All side and rear yard setbacks shall be measured perpendicularly from the side or rear lot line as appropriate.
5. Projections into Required Yard Setbacks. Fire escapes, fire towers, chimneys, fireplaces, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements

3.7.5 Projections into Required Yard Setbacks

Projection or Accessory Structure	All Yards	Rear Yard	Interior Side Yard	Corner Side Yard
Air conditioning condensers	-	P	P	P
Access drives	P	-	-	-
Arbors and trellises	P	-	-	-
Awnings projecting into 10 percent or less of yard depth	P	-	-	-
Fences	-	P	P	-
Flagpoles	P	-	-	-
Gardens	P	-	-	-
Gutters	P	-	-	-
Hedges	P	-	-	-
Laundry drying equipment	-	P	P	-
Light standards, ornamental	P	-	-	-
Paved terraces	-	P	-	-
Play equipment	-	P	P	-
Signs Approved	P	-	-	-
Trees, shrubs, and flowers	P	-	-	-
Unroofed exterior steps	P	-	-	-
Walls (see Fences)*	-	P	P	-
Window air conditioning units	P	-	-	-

* See additional regulations in this ordinance
P = Projections are permitted

for the district in which the building is located. The following table identifies permitted projections in required yards. Additional provisions include:

A. Architectural Features. Bay windows, window sills, belt courses, cornices, eaves, roof overhangs, and other architectural features may project into a required yard not more than eighteen (18) inches.

B. Terraces. Open paved terraces may project into a required rear yard up to ten (10) feet, provided that the unoccupied portion of the rear yard has a depth of at least twenty-five (25) feet. Open paved terraces may project into a front yard up to ten (10) feet.

C. Access Drives and Walkways. 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. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.

3.8 GENERAL EXEMPTIONS

1. Essential services shall be permitted as authorized and regulated by State, Federal, and local ordinances and laws, it being the intention hereof to exempt such essential services from only those regulations governing area, height, placement, and use of land in the Township with which it would not be practical or feasible for them to comply.
   Although exempt from certain regulations, proposals for construction of essential services buildings, enclosures, storage yards, and shelters of essential service equipment shall still be subject to site plan review and special use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or operation of said services and shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan.
2. 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 a public election.

3.9 RELOCATION OF BUILDINGS TO BE MOVED

No existing building or structure shall be relocated upon any parcel or lot in Hartland Township unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.

3.10 NUMBER OF PRINCIPAL BUILDINGS AND USES PER LOT

1. Only one (1) principal building shall be placed on a lot of record or parcel in the single family districts, except as otherwise specifically permitted herein. In a single family site condominium project, only one principal building shall be placed on each condominium lot, as defined in Section 2.2.
2. Not more than one (1) single family residential dwelling unit shall be permitted on any one (1) parcel or lot of record in the single family zoning districts, except as specifically permitted herein, and as permitted under the Michigan Condominium Act, P.A. 59 of 1978, as amended.
3. Where permitted in single family districts, not more than one (1) two-family structure shall be erected on any one (1) parcel or lot of record, except in the case of a planned development subject to the provisions of Section 3.1.18, or as may be permitted in the multiple family residential or mobile home park districts.

3.11 RESERVED

3.12 CONTINUED CONFORMITY WITH YARD AND BULK REGULATIONS

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence. No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

3.13 SINGLE FAMILY DEVELOPMENT OPTION

Single family development in the CA and RUR Districts, may be developed in accordance with Section 4.48, Open Space Development.

3.14 PLANNED DEVELOPMENT OPTION

Planned Development is permitted as a means to achieve the basic intent in the RR, RE, SR, MDR, HDR, MR, OS, NSC, GC, RDP, LI, I Districts, in accordance with Section 3.1.18.

3.15 DENSITY AND OPEN SPACE IN RESIDENTIAL DISTRICTS

1. RR District:
   A. Density. All residential developments which have a net dwelling unit density of three (3) or more dwelling units per acre shall be provided with hard surfaced roads, water supply and wastewater disposal and fire hydrant requirements as specified in Section 3.8.1.
   B. Open Space. All residential developments shall provide at least an area of common open space equal to twenty-five (25%) percent of the lot, or parcel land area. This common open space shall be planned, developed and maintained consistent with the approved plan for appropriate recreational and other open space uses for the anticipated occupants of the housing.
2. RE Rural Estate District Open Space. All residential subdivision or residential condominium developments shall provide an area of common open space equal to a minimum of thirty five percent (35%) of the total lot or parcel. This common open space shall be planned, developed and maintained for appropriate recreational and other open space uses for the anticipated occupants of the housing. Not less than 10 percent (10%) of the total lot, parcel or residential development land area shall be usable open space as defined in this Ordinance. This land area may be counted as part of the required thirty five percent (35%) common open space.
3. SR Suburban Residential, MDR Medium Density Residential, HDR High Density Residential, Districts Open Space. All residential subdivision or residential condominium developments shall provide an area of common open space equal to a minimum of 25 percent (25%) of the total lot or parcel. This common open space shall be planned, developed and maintained for appropriate recreational and other open space uses for the anticipated occupants of the housing. Not less than 10 percent (10%) of the total lot, parcel or residential development land area shall be usable open space as defined in this Ordinance. This land area may be counted as part of the required twenty five percent (25%) common open space
4. MR Multiple Family Residential Open Space. All such developments shall meet the requirements of 3.15.3 except the required open space shall be one contiguous area.

3.16 RESIDENTIAL REUSE IN THE STR DISTRICT

1. Residential reuse of an existing structure in the STR District must adhere to the building and lot dimensions and setbacks of the existing structure.
2. Conformity with Setbacks. Any new residential structure or residential addition to an existing structure shall be setback consistent with existing structures on adjoining parcels.
3. Character. All structures and site improvements shall be of a style and character compatible with the traditional, small town character of the village area and be located on the sizes and shapes of lots or parcels typically existing in the STR District for the permitted use.

3.17 UTILITIES IN SPECIFIC ZONING DISTRICTS

1. MDR, HDR, MR Districts. An approved public water supply and sanitary sewage disposal system shall be required for all development in the MDR, HDR, MR Districts.
2. LC District. An approved sanitary sewage disposal system shall be required for all development in the LC District An approved public water supply shall be required, if such system is available . (Subject to Section 5.16)

3.18 OUTDOOR STORAGE IN THE RDP RESEARCH & DEVELOPMENT DISTRICT

Outdoor storage shall be prohibited in this district.

3.19 LC LIMITED COMMERCIAL DISTRICT

1. All non-residential uses permitted by right in this district, except office-type uses, shall not contain more than two thousand (2,000) square feet of gross floor area, and shall not provide drive-through service or outdoor retail sales/display.

2. Office type uses permitted by right in this district shall contain no more than three thousand (3,000) square feet of gross floor area.

3.20 ARCHITECTURE IN THE LC DISTRICT

The following standards shall be used during site plan review for development in the LC Limited Commercial District:

1. Buildings shall possess architectural variety, but enhance the overall cohesive and historic settlement character.
2. The first floor of front facades of buildings in which a commercial use is located shall include at least thirty percent (30%) windows. The alignment of windows shall be similar to buildings on adjacent lots.
3. The mass and proportion of structures shall be similar to structures on adjacent lots and on the opposite side of the street. Larger buildings may be broken-up with varying building lines and roof lines to provide a series of smaller scale sections which are individually similar in mass and proportion to surrounding structures.
4. On sites which contain commercial structures over fifty (50) years old, no exterior portion of any commercial building or structure (including walls, fences, light fixtures, steps, pavement, or other appurtenant features), or above ground utility structures shall be erected, altered, restored, moved or demolished without the review of the Planning Commission prior to the issuance of a land use permit. The purpose of the Planning Commission review is to advise on actions which may or may not be compatible with the desirable historic, architectural or cultural aspects of the District. The Planning Commission may consider Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior for reviewing actions within the LC.
5. Signs shall be designed to be compatible with the principal building's architecture and materials.

3.21 SIDEWALKS IN THE LC DISTRICT

Sidewalks shall be provided along all public streets. All uses shall provide pedestrian links between public sidewalks and the building entrances.

3.22 LIGHT INDUSTRIAL DISTRICT

1. Sales are permitted at a commercial greenhouse, when comprising no more than ten percent (10%) of the total floor and growing area.
2. Health clubs or fitness centers permitted as accessory to industrial use either within the same building or within one-quarter (¼) mile of the industrial building.

3.23 SPECIAL USES IN THE HEAVY INDUSTRIAL USE DISTRICT

Special uses permitted in the Heavy Industrial District shall be located on a lot or parcel that is located eight hundred (800) feet distant from the nearest lot line of any lot or parcel zoned for residential use. The buildings, structures and storage areas of such uses shall be located not less than three hundred (300) feet from the nearest lot line of any other lot or parcel.

3.24 NOTES TO DISTRICT STANDARDS

1. Single-family detached dwelling units in the RUR, CA, RE, RR, STR, SR and LC Districts shall have a minimum floor area of 1,200 sq. ft. if one story; 960 sq. ft on 1st floor and total of 1,200 sq. ft. if two story.
2. All accessory structures shall be included when computing the maximum lot coverage that apply to principal structures except in the LC and MR-2 Districts.
3. All new structures and site improvements proposed in the STR District shall be of a style and character so as to fit in with existing developments on adjacent lots and shall be located on the sizes and shapes of lots or parcels typically existing in that District for the permitted use (see Section 3.1.4).
4. Single-family detached dwellings in the RR District are permitted on lots with a minimum size of 15,000 sq. ft. where public sewer and water systems are available.
5. Setback requirements from certain designated roads and highways shown in the following table shall supersede those specified for each Zoning District.

Section 3.24 District Standards—Setback requirements from certain roads	Setbacks from Right-of-Way Line
M-59 U.S. 23	80 feet
Old U.S. 23 Hartland Rd. from M-59 to the north edge of the Village of Hartland. Runyan Lake Rd. Continuous combination of Blaine Rd., Long Lake Dr., and Maxfield Rd. between M-59 and Commerce Rd. (But not in platted subdivisions.) Fenton Rd. Pleasant Valley Rd. Clyde Rd. Hacker Rd.	80 feet
Dunham Rd., Commerce Rd., Continuous combination of Hibner Rd. and Maple Rd., Bergin Rd., Cullen Rd. Hartland Rd. north of Village of Hartland, Crouse Rd., Brophy Rd., Read Rd., Dwyer Rd., Holtforth Rd., Parshallville Rd., Bullard Rd., Allen Rd., Tipsico Lake Rd., Clark Rd., Maxfield Rd. between Cundy Rd. and Blaine Rd., Hyde Rd., Townley Rd. Cundy Rd., Cook Rd., Lone Tree Rd.	60 feet
All parallel access roads	80 feet
All subdivision roads	50 feet

6. Single-family detached dwellings in the RR District are permitted on lots with a minimum of 20,000 sq. ft. where public sewer and water systems are not available.
7. Single-family detached dwelling units in the MDR and HDR Districts shall have a minimum floor area of 1,000 sq. ft. if one story; 720 sq. ft. on 1st floor and total of 1,000 sq. ft. if two story.
8. Accessory structures in all districts except RUR, CA, MR, and MR-2, shall not exceed a maximum of 50% of the floor area of the principal structure.
9. Minimum required floor area for a two-family structure shall be 720 sq. ft. per dwelling unit.
10. The minimum required floor area per dwelling unit in a multiple family structure shall be as follows:
    A. Efficiency apartment: 400 sq. ft.
    B. One bedroom apartment: 650 sq. ft.
    C. Two bedroom apartment: 850 sq. ft.
    D. Three bedroom apartment: 1,050 sq. ft.

    An additional one hundred sq. ft. shall be added to the minimum floor area requirement for each bedroom in excess of three (3) bedrooms in the dwelling unit.
11. No side setbacks are required along the interior side lot lines in the LC District unless the walls of structures facing such interior side lot lines contain windows or other openings, in which case side setbacks of not less than fifteen (15) feet shall be provided. If the lot abuts a residential district, a side setback of twenty (20) feet shall be provided.
12. The Planning Commission may reduce the required front yard setback within any non-residential district, or when a permitted non-residential use is proposed in a residential district, when no parking will be located between an existing or proposed structure and the existing or proposed right of way.
13. Exceptions to height regulations: The following structural appurtenances may be permitted to exceed the height limitations for permitted uses, upon approval of the Planning Commission:
    A. Chimneys, church spires, cupolas, domes, towers and similar structural appurtenances may be erected not exceeding fifteen (15) feet above the stated height limit in the zoning district.
    B. Any mechanical equipment located on the roof of any building shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the

total roof area. All mechanical equipment located on the roof of any building shall be completely screened on all sides of the equipment and not visible from one thousand (1000) feet of such equipment. Such screening shall be architecturally compatible with the building design and meet the standards set forth in Section 5.24.

C. Structural extensions appropriate to the building design, such as cornices, shall be limited to five (5) feet above the stated height limit.

14. Where the maximum height is described in both height and stories, the maximum height shall be whichever is less.

15. Walkout basements are not counted in story calculations.

16. Except for necessary drives, walks and approved signs, the required front yards shall not be used for accessory structures in all districts except the MR-2 District.

17. Projections into yards shall be in conformance with Section 3.7, General Yard and Bulk Requirements.

18. Maximum lot coverage is the total area of all structures on the lot, including buildings, paved areas, and accessory structures as a percent of lot area. When a non-residential use permitted by special approval, is proposed in the CA, RUR, RR, STR, RE, SR, MDR, HDR or MR Districts, the Planning Commission and Township Board, at their discretion, may allow a maximum lot coverage up to fifty (50) percent at the time of special approval.

19. Tri-levels shall be computed using the total square footage of the two uppermost levels. Bi-levels shall be computed using the total square footage of that floor at or above the approximate grade of the address street. The total square footage so computed for the tri-levels and bi-levels shall be equal to at least the minimum square foot requirements for a one story residence in their respective districts.

20. In 1 ½ story and 2 story dwellings, the required square footage of the upper level in each zoning district shall be reduced one square foot for each square foot that the lower level exceeds the minimum allowable area, provided that in no case shall the square footage of the upper level be less than 200 square feet.

21. Accessory buildings and structures shall be located as follows:

A. No detached accessory building shall be located closer than ten (10) feet to any principal building.

B. No detached accessory building or any accessory structure shall be located in the front yard, defined as the area located between the front building line of the principal structure and the front lot line or water front shoreline and extending to the side lot lines of a lot or parcel, except as otherwise specifically provided in this Ordinance.

C. The provisions concerning size, height, and location shall not apply to accessory buildings on a farm (such as barns and silos), as defined in Section 2.2. However, all farm buildings, including accessory buildings, shall comply with the setback requirements for the district in which they are located.

22. Unless otherwise noted in this Ordinance, all principal structures associated with uses other than single-family dwellings permitted in residential districts shall be subject to the area, height, placement and coverage regulations given for a single family dwelling.

23. The minimum parcel size for multiple family developments shall be five (5) acres. Density shall not exceed eight (8) dwelling units per acre such that each dwelling unit shall have an equivalent of 5,445 sq. ft. of land area. Dwelling unit density shall be computed on the basis of the total gross area of a lot or parcel minus that portion of surface water and other undevelopable areas which exceed 25 percent (25%) of the total gross area of a lot or parcel of land.

24. Any new commercial structure and parking facility, commercial use addition to an existing structure, or commercial re-use of an existing structure, proposed in the LC District, may not exceed the setback limitations observed by existing structures on adjoining parcels, or exceed the setback limitations observed by the existing structure when it is re-used.

25. Multiple family buildings and structures shall be limited to a maximum length of one hundred sixty (160) feet. The maximum number of dwelling units per building shall be eight (8). Common walls between dwelling units shall not overlap by more than forty percent (40%) of the linear distance of the shorter of the two adjoining walls so as to create offsets for each dwelling unit included in a structure. In no event shall a common wall overlap the full

length of a wall's surface. The Planning Commission may waive these requirements upon a determination that the proposed building is compatible with adjacent land uses and will not have any adverse impacts on the public health, safety, and welfare.

26. Where the principal structure on a lot in the CA or the RUR District provides a greater front yard setback than required by this Ordinance, an accessory structure may be erected in the additional front yard area but not in the minimum required front yard.
27. Where a nonconforming lot was created with one or more lot line(s) contiguous with a lake, the lot line adjacent to the lake shall be considered the front lot line and the lot line opposite the front lot line shall be considered the rear lot line. Similarly, for such nonconforming lots, the yard space nearest the lake shall be considered the front yard and the yard space opposite the front yard shall be considered the rear yard.
28. Lot coverage shall not include the sidewalks and safety paths located in the right-of-way.

3.25 SINGLE FAMILY LOT COVERAGE EXEMPTION IN THE RR, SR, MDR, AND HDR DISTRICTS

For single family lots less than 32,670 square feet, a fifteen (15) foot section of the paved or impervious surface driveway measured from the front lot line to the front of the principal building which serves as the sole vehicle access to the single family residential dwelling shall not be included in the percentage allowed for lot coverage.

3.26 FOOD AND BEVERAGE SERVICE ESTABLISHMENTS IN THE NSC DISTRICT

In the NSC, Neighborhood Service Commercial District, establishments with open front windows drive-in or drive-through service, and establishments serving alcoholic beverages shall not be permitted. Uses which provide open front window service for walk-up patrons only may be permitted.

3.27 OUTDOOR STORAGE IN THE LI & I DISTRICTS

All outdoor storage areas shall be screened from public rights-of-way and adjacent public use areas with screening in accordance with the provisions of Section 5.11 and 5.20.

Applicability of Notes to District Standards																	
Notes to District Standards	Districts																
	RUR	CA	RE	RR	STR	SR	MDR	HDR	MR	MR-2	OS	LC	NSC	GC	RDP	LI	I
1	✓	✓	✓	✓	✓	✓						✓					
2	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓
3					✓												
4				✓													
5	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
6				✓													
7							✓	✓									
8			✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓
9				✓					✓								
10				✓					✓			✓					
11												✓					
12	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
13	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
14	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
15	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
16	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
17	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
18	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
19	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
20	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
21	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓		✓	✓
22	✓	✓	✓	✓	✓	✓	✓	✓									
23				✓					✓								
24												✓					
25				✓					✓								
26	✓	✓															
27	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
28	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓

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Article 4.0
Use Standards

Article 4.0 Use Standards

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4.1 RESIDENTIAL DESIGN STANDARDS

1. Scope. The purpose of this section is to establish standards governing the design and appearance of all residential structures, including mobile homes and manufactured housing, when developed on individual lots or home sites in Hartland Township. It is the intent of these regulations to allow a mix of housing types and living styles in a manner which will not adversely affect existing neighborhoods. Any residential structure shall be erected or constructed only if in compliance with the following residential design standards.
2. General Requirements
   A. Area and Bulk Regulations. Any residential structure, including any mobile home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Mobile homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.
   B. Foundation. Any residential structure, including a mobile home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code of Livingston County. A mobile home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation.
   C. Other Regulations. Residential structures shall be constructed in compliance with applicable State, Federal, or local laws or ordinances, including the Michigan State Construction Code. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24CFR3280), as amended.
   D. Location. For the purposes of this Ordinance a mobile home or other manufactured housing type may be located on an individual lot in any of the zoning districts which allow for the development of single family residential structures, subject further to the regulations contained herein.
   E. Floodplain. No dwelling unit, including mobile homes, shall be located within a one-hundred (100) year floodplain.
   F. Use. Mobile homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.
   G. Attachments. Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code of Livingston County.
   H. Services. Any residential structure shall be connected to a waste treatment and potable water supply system approved by the Livingston County Health Department.
3. Design Compatibility Requirements. To insure the compatibility in appearance with existing homes in the Township, dwelling units erected after the effective date of this Ordinance shall comply with the general requirements set forth above in Section 4.1.2, General Requirements, and with the following design and site standards.
   A. Roof Pitch. The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (such as, French provincial, Italianate).
   B. Roof Drainage. Dwellings shall be designed with a minimum 6 inch roof overhang on all sides or an eave with a roof drainage system that will collect and concentrate the roof discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphaltic or other shingles or other materials commonly used in standard residential construction in the vicinity, and meet the snow load standards for this portion of the State of Michigan, as specified by the applicable construction code requirements.
   C. Exterior Materials. The exterior siding of a mobile home or manufactured dwelling shall consist of materials that are generally acceptable for existing housing in the

vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

D. Dimensions. The dimensions and placement of dwellings shall be comparable to typical dimensions and placement of existing housing in the vicinity. Therefore, a dwelling shall be located on the lot so that the minimum width of the front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet. If there are any extensions or additions off of the front of the dwelling, the minimum width of any such secondary front elevation shall be twenty-four (24) feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the home, such as living or recreation rooms, garages, carport, utility rooms, and the like, the front portions of which are within ten (10) feet of the front of the main body of the dwelling.

E. Perimeter Foundation Wall. Every dwelling shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that a manufactured dwelling is installed pursuant to the manufacturer's setup instructions, such dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.

F. Exterior Doors. Dwellings shall have no less than two exterior doors which shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps that are permanently attached to the building.

G. Design Features. The design and position of windows and other features of dwellings, including exterior wall colors and color combinations, shall be similar to existing homes within two thousand (2,000) feet of the dwelling lot. If no more than five (5) existing dwellings are located within two thousand (2,000) feet of the proposed location, then the dwelling shall be compared to the nearest fifty (50) existing homes. The foregoing shall not be construed to prohibit innovative design concepts involving such features as solar energy, view, unique land contour, or relief from the common or standard design homes.

H. Review & Appeal. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal may be made to the Zoning Board of Appeals within a period of fifteen (15) days from the date of the Zoning Administrator's decision.

4. Mobile Home Compliance. Mobile homes which do not conform to the above mentioned standards shall not be used for dwelling purposes within the Township unless located within a licensed mobile home park, or unless used for temporary residential purposes as outlined in Sections 4.3, Temporary Structures used for Dwelling Purposes, herein.

5. Accessory Structures. Detached accessory structures, as permitted in this Ordinance shall be built to the Livingston County Building Code. If the accessory structure is attached to the house it shall be similar in material and integrity and meet the construction standards of the HUD National Manufactured Housing Construction and Safety Standards Act of 1974 or the Michigan Construction Code, as applicable.

6. Permits. No mobile home or manufactured dwelling unit shall be delivered to any lot in Hartland Township until it is shown that the requirements of Section 4.1.2, General Requirements, and 4.1.3, Design Compatibility Requirements, can be met. Prior to the installation of a mobile home or manufactured house on a residential lot, the individual shall obtain a land use permit from the Zoning Administrator.

4.2 HOME OCCUPATIONS

General Requirements. All home occupations shall be clearly incidental and secondary to the residential use that occupies the same building and/or lot. Home occupations shall be subject to the requirements of the zoning district in which they

are located, as well as the following standards, unless otherwise specified elsewhere in this Ordinance:

1. Location. All home occupations shall be carried on in the dwelling unit itself or in a structure or building accessory to the dwelling unit.
2. Employees. Only the residents of the dwelling unit plus not more than one (1) nonresident of the dwelling unit may be engaged in the home occupation.
3. Signs. There shall be no exterior display or sign beyond what is permitted under Section 5.26, Signs.
4. Outdoor Storage. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises in residential districts except on a farm as defined in this Ordinance.
5. Residential Character. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
6. Traffic. The home occupation may increase vehicular traffic flow and parking by no more than two (2) additional vehicles at a time. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
7. Fire Rating. No home occupation shall require internal or external alterations or involve the use of electrical or mechanical equipment that would change the fire rating of the structure.
8. Utilities. No home occupation shall cause a noticeable increase in the use of any one or more utilities (water, sewer, electricity, trash removal, etc.) that exceeds that customary to a single family residential dwelling unit.
9. Equipment. Equipment not commonly used in a single family residential dwelling shall not be permitted.

4.3 TEMPORARY STRUCTURES USED FOR DWELLING PURPOSES

A mobile home, trailer coach or other approved living quarters may be occupied as a residence on a temporary basis on a site during the period of construction, major repair or remodeling of a single family dwelling. Only the owner of the dwelling site and the owner's family, may be permitted to occupy the temporary residence located at the construction site provided that the owner intends to occupy the permanent dwelling unit as a residence upon completion of its construction.

1. Permit Duration. Permits for temporary occupancy may be issued by the Zoning Administrator, or his/her designee, for up to six (6) months in duration and may be renewed for a period of up to six (6) months, provided that work is proceeding in an expeditious manner. The total duration of a temporary permit shall not exceed twelve (12) months.
2. Application Requirements. Application for the temporary occupancy permit shall be made to the Hartland Township Zoning Administrator. Prior to the issuance of a temporary occupancy permit, the applicant shall present:
   A. A land use permit for the dwelling to be erected.
   B. A building permit from the Livingston County Building Department covering the dwelling to be constructed.
   C. Evidence to demonstrate that requirements of subsections 4.3.5 through 4.3.8 below have been satisfied.
3. Setbacks. Temporary dwellings shall comply with the setback standards for the district in which they are located.
4. Accommodations. A temporary dwelling shall contain sleeping accommodations, flush toilet, and tub or shower bath adequate to serve the occupants thereof.
5. Sanitary Facilities. The sanitary facilities of the temporary dwelling for the disposal of sewage and waste shall be properly connected to the sewage system available at such premises. In cases where a public system is not available, it shall be properly connected to the septic tank and drain field, approved by the Livingston County Department of Health for the permanent dwelling.
6. Water Facilities. The fresh water facilities of the temporary dwelling shall be properly connected to a source approved by the Livingston County Department of Health for the permanent dwelling .
7. Refuse. No occupant of the temporary dwelling shall cause or permit waste to be discharged upon the ground surface of the premises nor cause or permit refuse to accumulate or remain upon the ground surface.

8. Performance Guarantee. The permit fee established by the Hartland Township Board shall be paid and a performance guarantee in the amount of one thousand dollars ($1,000) shall be provided to insure removal of the temporary structure at the termination of the permit period. The guarantee shall be good for ninety (90) days beyond the date of permit expiration.

4.4 OTHER TEMPORARY BUILDINGS, STRUCTURES AND USES

1. Other temporary buildings, structures, and uses are permitted only as described herein. Temporary buildings, structures and uses associated with a "Special Event", as defined by the Township, shall be reviewed in accordance with Township Ordinance No. 69, Special Event Permit. Temporary buildings and structures associated with construction shall be removed immediately upon completion of the construction project.
2. Use as an Accessory Structure. A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.
3. Temporary Structure for Use as Emergency Shelter. A temporary structure may be used as an emergency shelter to provide residential accommodations in very limited circumstances. An emergency as used in this subsection shall be constituted by damage to an existing, occupied residence that has caused the residence to become uninhabitable. Such damage shall be typically caused by a fire, tornado, flood, hail, ice or other storm or other catastrophic cause.
   A. Application Procedure and Requirements. Application for the temporary, emergency shelter permit shall be made to the Hartland Township Zoning Administrator. Prior to approval of a temporary, emergency shelter permit, the applicant shall present:
      i. Photographs or other evidence demonstrating the damage sustained to the existing residence, which renders the structure uninhabitable.
      ii. Evidence to demonstrate that requirements of subsections 4.3.3 through 4.3.8 shall be satisfied.
   B. Approval by Zoning Administrator and Permit Duration. Permits for temporary, emergency shelter land use may be issued by the Zoning Administrator for up to six (6) months in duration and may be renewed for a period of up to six (6) months, provided that work is proceeding in an expeditious manner. The total duration of a temporary, emergency shelter permit shall not exceed twelve (12) months.

3. Consideration by Planning Commission. In the event the Zoning Administrator does not approve a permit application within five (5) days of submittal by the applicant, the applicant may request consideration of the application by the Planning Commission in accordance with the procedure described in Section 4.3, Temporary Structures Used for Dwelling Purposes. The Zoning Administrator may refer any request for a temporary, emergency shelter permit to the Planning Commission for action by the Commission in accordance with Section 4.3, Temporary Structures Used for Dwelling Purposes.

4.5 SAND, GRAVEL, OR MINERAL EXTRACTION

It is the intent of this Section to regulate and provide procedures for sand and gravel mining by permitting the same as a Special Use in the CA District. This method is required because sand and gravel mining land uses and their related activities cause significant and adverse impacts upon the natural condition and appearance of the rural pastoral landscape, the serenity and enjoyment of it and also impacts the planned land use developments on the subject property and surrounding areas over extended distances. The impacts are caused by:

1. the methods of extraction used and necessary to the extraction, processing, loading and transporting of sand and gravel,
2. the safety hazards from trucking,
3. the effect of heavily loaded trucking on roads,
4. the high levels of obnoxious noise from mining operations and trucking along access roads,
5. the effect on the air quality on the surrounding area and along truck routes from dust and odors,
6. the threats of excavation practices on the ground water, surface drainage, and water features,
7. aesthetic deterioration to the natural pastoral landscape,
8. the incompatibility of sand and gravel mining with desirable land use patterns and other preferred land uses in the surrounding area.

Except for the extension and/or alteration of pre-existing, nonconforming extraction operations, which are subject to Section 7.2.5 and applicable requirements, Special Use procedures will be used to adequately provide for land use planning and development goals while permitting, as best as possible, the extraction of sand and gravel where it is naturally located. Before any mining of sand and gravel commences, complete applications with all supporting documentation required by this Zoning Ordinance must be submitted.

1. Application Procedure.

   A. Application shall be made to the Township for a Special Use Permit for sand and gravel mining within the CA District. The application shall be submitted to the Township and reviewed for completeness by the Zoning Administrator, submitted to the Planning Commission for carrying on its procedure for Special Uses and then making its recommendation to the Township Board for its approval, approval with conditions, or denial.

   B. The application shall contain the following:

      i. Information

         a. Names and addresses of all owners or parties with interest in the proposed mining site, together with their legal or equitable interest in the property.

         b. Name and address of applicant.

         c. Name and address of person, firm or corporation that will be conducting the actual mining operation, and the name, address and telephone number of the specific person designated by the applicant for the purpose of receiving all notices, correspondence, and communications.

         d. Location, size and legal description of the proposed mining operation area, as well as the total site and any and all adjoining land owned by the applicant and/or any persons or entities affiliated with the applicant.

         e. Location and type of proposed processing plant.

         f. Amount of sand and gravel and other materials or resources to be removed, as measured in tonnage and cubic yards.

         g. Proposed method of removal and extraction, processing, and/or other procedures to be undertaken prior to transport of sand and gravel from the site.

         h. Proposed vehicular access to and from the operation and the generally anticipated haul route.

         i. Types and amounts of explosives proposed to be used, and the areas to be blasted.

         j. Estimated period of time to complete operations with number, duration and description of each phase or phases where appropriate.

         k. Amount and source of water to be utilized in processing and the anticipated means and location of dispersement of such water following use.

         l. Name and address of the financial institution which is to issue the financial guarantee to be posted by the applicant.

         m. Sworn statement that the applicant has never defaulted on any previous financial guarantee to insure performance in connection with any previous sand or gravel mining or any related mining and/or construction activity; or, if applicant has defaulted on any such financial guarantee, a brief description of the circumstances surrounding the default, including the name of the financial guarantor, date of default and any remedial action which was taken.

         n. The name of the mining operator's insurance carrier for public and personal liability and property damage insurance.

         o. The contemplated period of time following reclamation within which the property will be usable for development, construction and improvement in accordance with the provisions of the zoning ordinance in the district in which the property is situated.

      ii. Submittal of Report on Proof of Need and Marketability of Sand and Gravel

a. The applicant shall submit a report on the economic need of the sand and gravel to be mined from a mining operation in Hartland Township in terms of (a) the present market demand, (b) at what rate the applicant plans to extract the sand and gravel on an annual basis, (c) the location of the markets presently in need of sand and gravel and (d) the volume to be extracted from the mining operation annually in terms of tonnage and as a percentage of the total market demand.

b. Proof that available supplies of the material to be mined from existing sources and reasonably anticipated other sites do not substantially exceed reasonably foreseeable needs. Consideration should be given to all supplies and needs, whether generated inside or outside of the Township, which are likely to affect the market area which might be served by the site for which special use approval is sought.

iii. Vertical Aerial Photography

a. Vertical aerial photography, enlarged to a scale of one (1) inch equals four hundred (400) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six-hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees. The vertical photograph shall cover:

(1) All land anticipated to be mined and used in conjunction with the extraction area together with adjacent land owned by the applicant.

(2) All contiguous land which is or has been used by the owner or leasehold application for sand and/or gravel extraction and/or storage, and all contiguous land in which the applicant has a current interest.

(3) All lands within one mile of the proposed mining area.

(4) All private and public roads providing access to the mining site on the property.

(5) Boundary of the entire planned mining area by courses, angles and distances.

(6) Topography and natural features including location of water courses within the planned mining and adjacent use areas.

(7) Means of on-site vehicular access to the proposed mining excavation, processing and loading area(s).

iv. Area Information Map. A map shall be presented on a transparent overlay on the same scale as the vertical aerial photography (1"=400') covering the areas within one (1) mile of the boundaries of the land area included in the permit application showing the existing zoning classifications of all land appearing on the map as shown on the official Township Zoning Map, roads, highways, and all uses of land within the area shown on the map, and the names of roads and highways.

v. Topographic Survey. Topographic surveys taken from U.S.G.S., and aerial topographic maps or field surveys of the parcel prepared by a registered civil engineer or land surveyor licensed by the State of Michigan shall be submitted as follows:

a. as a transparent overlay on the same scale of one (1) inch equals four hundred (400) feet (1"=400') and covering the same area as the vertical aerial photo with minimum contour intervals of ten (10) feet.

b. on an aerial map of the parcel to be mined and used in conjunction with the operation on a scale of one (1) inch equals one hundred (100) feet with minimum contour intervals of two feet. The map shall clearly show each area to be mined, and each area to be utilized for stockpiling, processing, plant location, maintenance areas, storage areas and any other proposed on-site uses.

vi. Geological and Engineering Surveys. Geological and engineering surveys and data shall be prepared by a geologist and engineer licensed by the State of Michigan, indicating:

a. Quality, quantity, and location of sand and gravel available on site and amount proposed for excavation, and depth to be mined.

b. Level of water table throughout the planned mining area for which a special use permit is sought.

c. Opinion as to the effect of the mining operation on the water table and private wells of property owners within the anticipated area of impact during and subsequent to the mining operation.

d. Location of monitoring wells to assure water quality and water table depth that may impact surrounding wells.

e. Impact of the mining operation on the surface water, ground water and the water shed within the area which will be impacted during and subsequent to the mining operation.

f. Opinion as to whether the exposure of ground water and/or the impoundment of surface waters where planned, will establish a stable water level as proposed as part of the operation, and the extent to which the same will interfere with existing ground water or cause any harm or impairment to the general public.

g. Detailed plan for the disposition of any excess water into existing drains or watercourses or drains or watercourses to be established, demonstrating, among other things, that such drains and/or watercourses shall not be unduly burdened by the introduction of the planned drainage.

vii. Plan of Operation. A plan of operation shall be presented on a transparent overlay (mylar) at the same scale as the topographic survey of 1"=100' as follows:

a. Area to be excavated, and if excavation is to be in phases, a delineation of each phase.

b. Areas for settling ponds, crushing, sorting and sizing facilities, driers and washing plant, or other facilities.

c. Areas for treatment facilities, sand and gravel storage and stockpiling.

d. Areas for overburden storage.

e. Areas for topsoil storage. (Amount sufficient to cover reclaimed areas to a depth of four (4) inches.)

f. Areas for location of buildings and structures and/or other improvements.

g. To supplement the above the following shall be submitted: Description of operation, including a description of all mobile and stationary machinery and equipment to be utilized; methods of treatment of water to be utilized in the operation prior to discharge onto the ground or into the surface water drainage system; and, provisions for potable water supply and wastewater treatment and wastewater disposal systems to be provided on-site.

viii. Reclamation Plan

a. A plan for the reclamation for the site shall be presented on a transparent overlay on the same scale as the topographic survey of 1"=100' and shall be submitted in three (3) parts:

(1) A general reclamation plan for each ten (10) or more acre phase on a vertical aerial photograph at the same scale.

(2) A reclamation contour map at the same scale as (1).

(3) A description of the reclamation methods and on-site materials proposed for replacement of a minimum of four (4) inches of topsoil and landscape replanting, including a reclamation schedule indicating the time sequence within which each area mined will be reclaimed

as mining operations are concluded on each ten (10) or more acre phase.

b. The general plan for reclamation shall be presented on the transparent overlay at the same scale as the topographic survey of 1"=100' showing the following:

(1) Each ten (10) or more acre phase of reclamation, reflecting the sequence and acreage of each phase in relation to all others.

(2) Location and shorelines of all permanent water areas and drainage ways.

(3) Distances of all reclamation areas and surface water features from the property boundary upon which the mining operation is located.

c. A reclamation plan showing the final grading represented at two (2) foot contour intervals shall be prepared to the same base as required above, to indicate the grade and slopes to which excavated areas shall be reclaimed, and in indication of the distance of such reclaimed areas from the property boundaries. Such grade and slope designations shall include areas proposed to be beneath the surface of permanent surface water features.

d. A description of the methods and the type of materials proposed for reclamation shall include top soiling and the amount and type of plantings by species.

e. No more than forty (40) acres, all of which must be contiguous, including land used for processing, weighing, administration and excavation at any one time; subject however to the following limitations:

(1) No more than twenty (20) contiguous acres for mining.

(2) No more than ten (10) contiguous acres for stripping for future mining operation.

(3) No less than ten (10) acres for reclamation.

f. The general plan for reclamation shall contain a date by which all reclamation shall be completed for the entire site, lot or parcel upon which the mining operation is located.

ix. Application Fee. An application fee shall be paid to the Hartland Township Clerk in an amount prescribed by the Township Board.

2. Procedures for Reviewing Applications for Sand and Gravel Mining shall be as follows:

A. Upon receipt of and determination of a complete application, the Zoning Administrator shall forward complete copies of the application to the Township Planning Commission, Township Planner and Township Engineer.

B. The Planning Commission shall review and study the application, together with its supporting information, hold a public hearing on the application following all procedures and providing public notice in compliance with Section 6.6, Special Uses and report its recommendation of approval, approval with conditions or denial to the Township Board based on the required Standards and Findings in Section 6.6, Special Uses. The Township Planner and Township Engineer shall review the application and report their recommendations to the Township Planning Commission, prior to the public hearing, for inclusion in its deliberations prior to making its recommendations to the Township Board.

C. After considering the recommendation of the Planning Commission and such other facts, opinions and reports as may be requested by and made available to the Board, the Township Board may approve, approve with conditions or deny the application.

3. The Content of the Special Use Permit shall include the following:

A. The name and address of the receiver of the special use permit, the name and address of the landowner, if different from that of the receiver of the permit. In addition, the permit shall also include the name, address and phone number of the person(s) designated as the agent(s) for all

notices, correspondence and communications.

B. The legal description of the property to which the special use permit will apply.

C. The period for which the permit will be valid, including its annual renewal and final expiration dates.

D. The allowable hours of operation, but not to extend before 7:00 A.M. nor after 6:00 P.M. Monday through Friday; Saturday 7:00 A.M. through 1:00 P.M. except that there shall be no mining operations conducted on Sundays or New Year's Day, Thanksgiving Day, Christmas Day and the days celebrating the Fourth of July, Memorial Day, and Labor Day.

E. The number of feet from all the property lines, and right-of-way within which no cuts or excavations shall be made.

F. The steepest horizontal to vertical grade on finished slopes where excavations have been made, but not to exceed one (1) foot rise to four (4) feet horizontal distance.

G. A statement to the effect that: "This permit may be suspended or revoked after a hearing by the Township Board, with notice by regular mail of said hearing to the applicant, based upon a failure to comply with one or more of the requirements of the Township Zoning Ordinance, the approved special use permit, the approved Special Use Site Plan or other applicable law, ordinance or regulation, and/or the terms and conditions of the Special Use Permit, or upon grounds that a use or activity constitutes a nuisance or danger to the public health, safety and/or welfare".

H. A statement to be signed by the applicant corresponding to the following: "the undersigned landowner and sand and gravel mining operator has read this permit and understands and agrees that, incorporated by reference as a part of the terms and conditions hereof, are all the statements and contents of the application for the permit as approved by the Hartland Township Board, the terms and conditions of the Township Zoning Ordinance, as amended, and of any other applicable law, ordinances or regulations, and further, that Hartland Township employees and agents are permitted access upon the premises at any reasonable time for the purpose of inspecting, monitoring and/or administering the excavation, processing, loading, storage and transporting of sand and gravel on the site, lot or parcel where the mining operation is located".

I. Any additional reasonable conditions deemed appropriate by the Township Board.

J. A statement to the effect that in no event shall the total area being mined and unreclaimed at any one time be more than forty (40) contiguous acres, twenty (20) acres under excavation, ten (10) acres for stripping for future mining operation and no less than ten (10) acres under reclamation.

K. Statement of machinery, equipment and methods used in operation.

L. The applicant shall provide the Township Board with a recordable affidavit, to be recorded with the Livingston County Register of Deeds, binding the applicant, and all heirs, successors, assigns and transferees of the applicant to the terms and conditions of the Special Use Permit.

M. For the purpose of reimbursing the Township for inspections, monitoring, administration and enforcement including attorney fees and court costs of this section, with respect to the Special Use Permit, and in view of the relative impossibility of calculating and precisely anticipating amounts to be required for such purpose, the applicant shall make monthly payments to the Township in an amount equal to twelve (12) cents per ton with respect to each ton of minerals removed from the subject property, commencing one (1) month after the date of issuance of the Special Use Permit; provided in no event shall such fee be less than one thousand six hundred dollars ($1,600) per month. At the end of each calendar year, and as of the date of termination in the final year of operations, an entity performing audits in the regular course of its business shall certify the amount of materials sold by the applicant during the previous year, or during such portion of the year until the date of termination, as applicable. Revenues over and above Township costs referenced above shall be used for maintenance or improvement of impacted roads as necessary. All such fees shall be deposited

into an interest bearing account and upon completion of the special use operation, including reclamation and satisfaction of all applicable requirements of this Ordinance, all such fees which are unexpended, together with accumulated interest shall be refunded to the applicant/ operator. Such fees shall be adjusted annually by the Township Board based on its review of fees received and costs incurred.

4. Annual Special Use Permit Renewal

   A. A Special Use Permit shall be renewed annually from the date of issuance. In order to continue uninterrupted operations, application for renewal of a Special Use Permit shall be made to the Zoning Administrator no less than thirty (30) days and no more than sixty (60) days, prior to the expiration of the Special Use Permit. The application for renewal shall be made on the form provided by the Zoning Administrator.

   B. As part of the annual renewal application, the applicant shall submit:

      i. A vertical aerial photograph, on a scale of one (1) inch equals one hundred (100) feet, of the property approved in the Special Use Permit. Photograph shall be dated not more than thirty (30) days prior to the date of application.

      ii. Topographic survey prepared from an aerial or field survey of the parcel showing existing conditions shall be presented on a transparent overlay at the same scale as the current vertical aerial photograph at two foot contour intervals. The map shall clearly show each area mined, and each area utilized for stockpiling, processing, plant location, maintenance areas, storage areas and any other on-site uses.

   C. Upon receipt of a renewal application the Zoning Administrator shall refer it to the Hartland Township Board, who upon the recommendation of the Zoning Administrator that all aspects of the approved application are in compliance, shall approve the renewal of the Special Use Permit for one (1) more year.

5. Period of Validity of the Special Use Permit The maximum duration of the proposed Special Use shall be fifteen (15) years. The period of the initial permit, and/or any renewal permit, shall be for one (1) year or such other period of time the Township Board deems appropriate based upon all of the relevant facts and circumstances. Should the Special Use Permit not be used for continuing the sand and gravel mining operation for the initial one (1) year period, the Special Use Permit shall be voided. Should a one (1) year renewal of the Special Use Permit not be used for continuing the sand and gravel operation the Special Use Permit shall be voided. Upon voidance of the Special Use Permit and the non-reapplication for it within ninety (90) days of its voidance the reclamation of the mining site shall be completed within six (6) months thereafter.

6. Financial Guarantees for Compliance and Reclamation. Mining operations shall not commence until a financial guarantee to assure compliance with the Zoning Ordinance, the approved application operational plan and reclamation plan shall have been filed with the Zoning Administrator as approved and required by the Township Board. The form and the amount of the financial guarantee shall be determined by the Township Board. The rate of financial guarantee shall be at the rate of not less than $10,000 per acre for all areas to be mined and including those additional areas required for access processing, storage, loading and stockpiling.

   No less than twenty-five (25) percent of the total financial guarantee shall be in the form of cash or an irrevocable letter of credit issued by a financial institution licensed to do business in the State of Michigan, making the Township the beneficiary thereof.

   The balance of the guarantee, as determined by the Township Board, may be in the form of a corporate surety bond issued by a company licensed for such purposes in the State of Michigan. The conditions of such financial guarantees (letter of credit and surety bond) shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the Special Use Permit, the surety bonds shall be returned to the applicant, otherwise the Township shall have a right to use the cash or proceeds of the irrevocable letter of credit to the extent necessary to reclaim the property and to cover the cost of enforcing and bringing about compliance with the approved application, including reasonable attorney's fees, and the corporate surety bond shall serve to guarantee payment for all other

reclamation and enforcement and compliance requirements.

Any financial institution guaranteeing a corporate surety bond or issuing an irrevocable letter of credit in satisfaction of these requirements is subject to approval of the Township Board.

The cash or irrevocable letter of credit shall remain with the Township until the parcel or parcels have been reclaimed, and all equipment, machinery, materials, buildings and other commercial improvements removed as required by this Zoning Ordinance and/or by the Special Use Permit.

In the establishment of the amount of the performance bond, the Township Board shall take into account the size and scope of the proposed operation, the current and projected costs of reclamation in the event of default by the operator at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. The Township Board, in considering any application to renew the Special Use Permit, may at its discretion, increase or decrease the amount of the financial guarantee, based upon increased costs, new information, or partial reclamation.

7. Liability Insurance Requirements. Insurance shall be a precondition to commencement of operations, and maintenance in full force and effect of insurance shall be a precondition to the right to continue operations. The applicant shall provide binders for personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times during which any mining operation is underway and reclamation is left to be done, and during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site. This insurance shall be carried in amounts no less than one million dollars ($1,000,000) for personal injury, and not less than one million dollars ($1,000,000) for injury and damage to more than one person's property arising out of a single occurrence. This insurance shall cover injury or damage occurring upon the site of the operation, as well as upon injuries or damage occurring upon surrounding property as the result of conditions or activities conducted upon the subject property. The applicant shall include Hartland Township in the coverage for claims that might be brought against the Township as related to the mining operation and permits issued for the facility.

8. Operation and Development Requirements, Standards and Required Improvements

   A. Fencing. All mining excavation areas shall be fenced prior to the commencement of extractive operations and prior to the placement on the site of machinery or buildings. The fence shall completely surround the borders of the mining site, provided, however, for good cause shown in relation to the protection of public safety in view of the operations conducted, the Township Board may, at its discretion, modify the precise location of fencing. The minimum specifications for the fencing shall be as follows: A six (6) foot high fence of chain link design, constructed with nine (9) gauge galvanized wire and a maximum of two (2) inch openings. Line posts will be galvanized two inch diameter schedule forty pipe at ten (10) foot intervals and extend a minimum of thirty (30) inches into the ground. Vertical ties will be every twelve (12) inches. Corner or offset posts will be galvanized three (3) inch diameter schedule forty (40) pipe. Truss bracing system will be every two hundred (200) feet. Truss wire will be seven (7) gauge galvanized with hog rings on two (2) foot spacing. Gates will be double drive, twenty (20) foot in width. Gate posts to be four (4) inch diameter schedule forty set in concrete. Gates shall be locked when plant is not operating.

   B. Posting of Mining Site. The perimeter of any mining extraction site shall be conspicuously and adequately posted with signs sufficient to indicate the danger of trespassing in the area. In no event shall such signs be more than one hundred (100) feet apart, and the same shall be constructed of a weather resistant rigid and sturdy material, and shall be maintained and replaced as needed.

   C. Visual Screening. All buildings, structures, fuel storage, active excavation areas, mining operations and storage of equipment shall be visually screened from view from all adjacent public highways and adjacent parcels. Construction of a raised earth berm along the boundary lines of the site shall be required. At least a twenty (20)

foot wide landscape buffer strip shall be required between the property line and the base of the berm. Such berm shall screen all activities and processing equipment from the view of a person standing at ground level on any adjacent parcel of land. When constructed along public highways, the berm shall be of a sufficient height to screen all activities and processing equipment from the view of the general public using the highway.

All berms shall be designed to prevent soil erosion and encroachment and water runoff. During the next planting season following the placement of the berm, and as often as may be necessary thereafter to insure the continued existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area, and for soil conditions, so as to provide vegetation to check erosion and to provide a visible ground cover substantially similar to or better than the vegetation cover previously located on the property and/or adjacent property. Topsoil shall be spread as needed to sustain growth of vegetation. The crown of the berm shall be planted with two (2) rows of evergreen trees or shrubs at least four (4) feet high, spaced six (6) feet apart. Rows shall be staggered to provide effective screening. Where the topography and existing vegetation of the area acts as a natural screen, the Zoning Board of Appeals may waive the berm requirement. The berm shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal distance.

D. Hours of Operation

i. Activities involving the sale of sand, gravel and/or any other removal of sand and gravel and/or any other activity involving ingress and egress by large vehicles and/or equipment, shall be carried on exclusively between the hours of 7:00 A.M. and 6:00 P.M. Monday through Friday; Saturday 7:00 A.M. and 1:00 P.M.

ii. Activities involving the mining and extracting of sand and gravel, processing and stockpiling of sand and gravel and/or any other operation of motor-driven vehicles and/or equipment shall be limited to the hours of 7:00 A.M. through 6:00 P.M. Monday through Friday; Saturday 7:00 A.M. and 1:00 P.M.

iii. Equipment maintenance and repair may be carried on at any time between the hours of 7:00 A.M. and 7:00 P.M. provided, however, that emergency repairs may be made during other hours with the condition that the Zoning Administrator shall be given advance notice of, and shall approve, such activities.

iv. No activities on the property shall occur on Sundays, Thanksgiving Day, Christmas Day, New Years Day, and the days celebrating the Fourth of July, Memorial Day, and Labor Day with the exception of emergency repair activity required to permit the commencement of operations on the following morning, however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 A.M. or later than 6:00 P.M.

v. The use of explosives or crushers of any kind shall only be permitted if authorized in the permit issued under the Special Use Permit, and in addition, shall only be authorized with fourteen (14) days advance written notice to the Zoning Administrator. Explosives shall be used in accordance with the "Regulations for Storage and Handling of Explosives," as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan, and in accordance with any other applicable ordinance, law or regulation.

E. Access to Major Thoroughfare. All sites being mined under the provisions of this Zoning Ordinance shall have direct access to a designated all weather (Class A) road, which roadway shall be improved to the specifications of the County Road Commission.

F. Transportation Routes. The transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible. The Planning Commission will review and recommend proposed routes to the Township Board.

G. Prevention and Removal of Material from Roadways. Truck license plates shall be

clearly visible. Truck undercarriage and wheels shall be sprayed to prevent sand, gravel or mud from being deposited on roadway. In the event the operation of a mined area shall cause any mined material, overburden and/or similar materials to be deposited upon the public highway in Hartland Township, it shall be the responsibility of the operator to remove such materials within twelve (12) hours of receipt of notice from the Zoning Administrator. This requirement shall not waive any other higher or more restrictive requirements by any other governmental entity or agency.

H. Dust Control Along Roadways. All roads within the sand and gravel mining site shall be maintained by the operator at all times in a dust controlled condition by the use of hard surface paving material, or the application of other dust suppressants. Any private access road to the mining site shall be paved from a distance of three hundred (300) feet from its intersection with any public access road.

I. Sound, Vibration and Dust.

i. All equipment and facilities used in the excavation, processing, loading or transporting of sand and gravel shall be constructed, maintained and operated in such a manner as to eliminate sounds, vibrations, or dust which interfere with the reasonable use and enjoyment of surrounding property and will be within the limits set by the performance standards (Section 6.4). At a minimum, all equipment and processing and loading equipment shall be located completely below the perimeter of the area being excavated, or located behind a berm which completely screens the excavation, processing and loading equipment and the operations shall conform to all performance standards set forth in the Hartland Zoning Ordinance, except as specifically modified herein. The processing plant and accessory equipment shall be situated below the lowest grade of the surrounding area so as to effectuate screening from sight, sound, dust and vibration.

ii. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three thousandths (0.003) of one inch measured anywhere outside the lot line of its source, or ground vibration which can be readily perceived by a person standing anywhere outside the lot line of its source.

J. Lighting. All sources of lighting used to illuminate the property and operation, and each and every portion thereof, shall be directed away from surrounding property. Shielding shall be required where lighting would otherwise be directed toward adjacent properties and/or roads.

K. Drainage. No aspect of a mining operation, including without limitation, mining, storage and/or transportation of sand and gravel shall result in a danger to the public health or safety, and/or impairment and/or pollution of the ground water, surface water and/or watershed; and, surface water shall at all times be directed in such a manner so as not to interfere with the adjoining property owners, provided, however, that maintenance of the direction and volume of the natural flow of surface water shall not be deemed an interference. Proper drainage shall be provided at all times to prevent the collection and stagnation of water, except in conformance with the reclamation plan as approved as part of the Special Use Permit.

L. Distance Requirements. Activities in connection with the mining operation shall not create slopes and/or a pit or depression in the earth closer than three-hundred (300) feet from the right-of-way line of the nearest road or highway, and five hundred (500) feet from any residentially zoned or used property, provided, however, the Township Board may as part of the permit, prescribe greater distance requirements in order to insure sublateral support to surrounding property as reasonably required, or where the Township Board reasonably finds the same to be necessary for the protection of the public health, safety or welfare from a particular danger, including situations constituting possible attractive nuisances. This setback may also be reduced upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land uses.

M. Operations. Machinery, equipment and methods of operation on the mining site shall be limited to those specified in the Special Use Permit application.

N. Portland cement concrete batching plants and asphalt concrete mixing plants. These plants are not included in any form as a part of the sand and gravel operation and are not permitted. No batch plants or transit mix operations will be conducted on premises.

O. Off-Site Materials. Substances mined on other sites shall not be brought onto the site for purposes of storage, processing, redistribution, refinement, or any purpose intended to add value to such mined material that does not originate from the site.

9. Operational and Development Standards for Reclamation of Mined Area

A. Scope. The standards set forth herein shall be considered minimum standards, and stricter standards may be required by the Township Board, if and to the extent such stricter standards are demonstrated to be necessary to protect the environment and/ or the public health, safety and/or welfare.

B. Permanent Water Areas. In such cases as the reclamation plan provides for a permanent water area, excavations shall be made to a depth of at least ten (10) feet below the low water mark, for at least eighty (80) percent of the entire water area.

C. Areas not permanently submerged. The surface area of all land not to be permanently submerged under water shall be graded and back filled as necessary so as to reduce peaks and depressions, and so as to produce a gently rolling surface that will minimize erosion due to rainfall, and which will produce a natural appearance in relation to the property as it existed prior to the commencement of mining operations and in relation to property in the area of the subject property.

D. Sloping of banks. Slopes shall be graded to permanent water areas, if any, and to the pit floor in connection with an operation without permanent water areas, and shall not be graded to the exterior areas of the property so as to create the potential of flooding on adjoining properties and roads. In no event shall a reclaimed slope have a grade in excess of a minimum ratio of one (1) foot vertical to four (4) feet horizontal. Moreover, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal.

E. Vegetation. Vegetation shall be reclaimed by the use of sufficient overburden minimum of four (4) inches of topsoil and by appropriate seeding of perennial grasses and ground cover and/or planting of shrubs or trees in all parts of the reclaimed mining area not to be submerged under water, or within twenty five (25) feet of the shoreline of a permanent water area. Reclamation with appropriate turf, vegetation, soil, overburden, shrubs and trees shall be implemented in a manner so as to prevent washout and erosion. In the event of a disagreement between the operator and the Zoning Administrator with respect to the meaning and interpretation of this Section, the Township Zoning Board of Appeals shall make a final determination.

F. Cessation of operations. Upon cessation of mining operations as provided for in the Special Use Permit, or as a result of any earlier termination, voluntary or involuntary, the applicant, within the dates stated in the Special Use Permit, or within one hundred eighty (180) days after the termination of the operation (not including days in the months of December through March, inclusive) shall complete the reclamation on the property in accordance with the approved reclamation plan. Moreover, within a reasonable period of time, not to exceed the time stated in the permit, or within one hundred eighty (180) days after termination, whichever period is shorter, the applicant shall remove all buildings, structures, machinery, equipment, vehicles and stockpiles, provided, it shall not be necessary to remove buildings and structures which may lawfully be used in the zoning district in which the property is situated. The Township Board may permit materials which have been mined, processed and stockpiled during the mining period to be sold during the reclamation period if and to the extent such activity does not interfere

with the reclamation, and not thereafter, and such stockpiles shall in all events be removed within the time provided for reclamation.

4.6 PONDS

1. Standards. Ponds excavated, created or altered, except as otherwise provided in this Ordinance, shall be permitted in any zoning district. Subject to site plan approval of the Township and the following minimum standards, ponds shall be permitted.
   A. The pond shall be located on a parcel which is at least two (2) acres in area.
   B. The pond shall be set back a minimum of one hundred (100) feet from any property line or dwelling. At the discretion of the Planning Commission, such minimum setbacks may be modified based upon evidence that a lesser setback will not pose a hazard or detract from the public health, safety and general welfare. In no case shall such setbacks be decreased to less than those specified in Section 3.1, Schedule of Regulations.
   C. All earth excavated during construction of the pond shall be disposed of on the parcel, unless it is determined by the Planning Commission that the parcel could not adequately accommodate the spoils. The placement, grade and final disposition of any spoils removed from the parcel must be approved by the Zoning Administrator. The spoils from pond construction shall be restored with seed within one year.
   D. For calculation of the slope of a pond, the vertical distance for each foot of horizontal distance measured from any edge of the pond. Pond slope shall be measured to the lowest point of the pond. Any application for an alteration or creation of a pond which proposes stabilized side slopes steeper than four (4) horizontal to one (1) vertical shall include a written statement by the applicant detailing proposed safety measures to be taken by the applicant in the construction and operation of the pond.
   E. Written evidence shall be provided from the Livingston County Health Department or a licensed professional engineer that the distance and soil conditions separating the pond from any septic system is sufficient to prevent contamination. In no case shall a pond be located closer than one hundred (100) feet to any septic system.
   F. For the protection of the general public, appropriate safety measures such as warning signs, rescue equipment, fencing and/or safety ramps may be required to be installed as deemed necessary by the Planning Commission upon their review.
   G. No pond shall be maintained or operated in any manner which causes it to become a public nuisance.
   H. The creation or alteration of a pond which encompasses parts of more than one parcel shall be approved only if the owners of all properties involved are joint applicants for the land use permit and a written maintenance agreement signed by all property owners establishing financial responsibility is provided for Township approval. Applicable dwelling setback requirements established above must also be met.
2. Exceptions. Ponds of less than seventy-two (72) square feet in area and no greater than two (2) feet in depth shall not be subject to the requirements of this Section.

4.7 LANDFILLS AND DUMPING

1. General Requirements. Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environmental Quality, and other regulatory agencies and the Livingston County Solid Waste Management Plan.
2. Landfills and Dumping
   A. Intent. These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.
   B. Scope of Application. No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including but not limited to cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline,

tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.

C. Permit Required. A land use permit shall be required in all instances where landfill or dumping activity is proposed in the Township. Applications for landfill or dumping permits shall be reviewed following the procedures contained in Section 6.6, Special Uses. Permits for such uses shall be issued by the Township Board for up to a one (1) year period. Permits may be renewed for one (1) year periods unless the owner or operator violates any conditions of approval.

D. Exceptions. These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area. Additionally, nothing included herein shall prevent a resident from composting household waste for use on the resident's private property.

4.8 RECEPTION ANTENNA FACILITIES

In all zoning districts the installation of individual reception antenna facilities shall be permitted as an accessory use, subject to the provisions in this Section.

1. Purpose. The purpose of this Section is as follows:

   A. To provide reasonable regulations for the placement of reception antenna facilities.

   B. To promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which may become dislodged and fall from building or structural mountings due to wind load, snow load or other forces.

   C. To require screening of ground-mounted facilities and to minimize the visibility of roof or structure mounted facilities to maintain architectural integrity and aesthetic qualities of the Township and to maintain and preserve property values.

2. Ground-Mounted or Tower-Mounted Antennas. Antennas shall be subject to the following conditions:

   A. The maximum height of any part of a ground-mounted or tower-mounted antenna shall be twenty (20) feet. Taller antenna structures may be permitted by special approval of the Planning Commission.

   B. Ground-mounted or tower-mounted antennas shall comply with the setback requirements for the district in which they are located, and shall not be located in front yards. Any guy wires or tie downs shall meet one half the setback required. However, an antenna may be located in the front yard if suitable reception cannot be achieved in any other location on the site, and provided that the antennas in the front yard are screened as noted in the following sub-section C, below.

   C. Ground-mounted antenna and bases of tower-mounted antennas shall be obscured from view from adjacent properties and from any public road by a screen wall, fence, evergreen plantings, or a combination thereof in compliance with Township ordinances, provided that screening shall not be required that would unreasonably prevent reception.

3. Roof-Mounted Antennas. Antennas mounted on a roof of a building shall be subject to the following regulations:

   A. The maximum length and width of the antenna facility itself shall be eight (8) feet. Antennas mounted on a roof shall not extend higher than six (6) feet above the highest point of any part of the roof within ten (10) feet of the antenna, provided that in no case shall an antenna extend higher than the maximum height permitted in the district in which it is located.

   B. Roof antennas shall comply with the setback requirements for the district in which they are located.

4. General Requirements. All antennas shall comply with the following regulations:

   A. Antennas shall not be solid sheet or panel construction and shall not be used as a sign or message board. Antennas shall be painted color to minimize visibility. Bright or pastel colors shall not be used in any instance.

   B. Permits required by the applicable building or electrical code shall be obtained prior to construction of an antenna.

C. All wiring to the antenna shall be installed underground except for roof mounted antenna.

D. In the event that approval is requested for an antenna that is higher than the minimum standards specified in this section, or if other variations from the required standards are proposed, documentation shall be provided demonstrating that for such variations are necessary in order to achieve adequate reception.

E. Notwithstanding the setback requirements specified previously in this Section, antennas with a wind resistance surface of seven (7) square feet or less and all open element and monopole antennas shall be set back from all property lines a minimum distance equal to thirty percent (30%) of the height of the antenna.

4.9 WIRELESS COMMUNICATION TOWERS

1. Purpose and Intent. Changing technology in the field of communications has resulted in a reliance upon more versatile and convenient forms of communication. Businesses, individuals, and government have developed a strong dependence upon the ability to quickly contact others. Radios and cellular phones are useful in emergencies.

   It is the purpose and intent of the Township to permit development of wireless communication facilities in a manner that will minimize the visual impact of such structures and retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In recognition of the number of providers who have been authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of the Township of Hartland to fully exercise the authority granted by law relative to the placement, construction and modification of wireless communication facilities. It is further the purpose and intent of this Ordinance to:

   A. Allow the Township Board and Planning Commission to regulate and restrict wireless communication facilities and services as permitted uses and as special land uses, consistent with the requirements and specifications set forth in this Ordinance.

   B. Allow the Township Board to establish districts of the number, shape, and area considered best for the location of wireless communication facilities and services as special land uses subject to conformance with applicable standards and conditions.

   C. Limit and reduce the overall number of newly established locations for wireless communication facilities and support structures within the Township, and encourage the use of existing structures for attached wireless communication facilities where technically feasible with collocation. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities to achieve the objectives promulgated by the United States Congress. However, particularly because of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change in federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of Hartland Township that all users should collocate on existing attached wireless communication facilities, wireless communication support structures, or other buildings or structures, in the interest of achieving the purposes and intentions of this Ordinance.

2. Standards and Conditions Applicable to Special Use

   A. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

      i. Proximity to an interstate or major thoroughfare.

      ii. Areas of population concentration.

      iii. Concentration of commercial, industrial, and/or other business centers.

      iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

      v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

      vi. Other specifically identified reason(s) creating a need for the facility.

B. The proposal shall be reviewed in conformity with the collocation requirements. Consideration will be given to applications that present a creative solution to the proliferation of towers.

3. Qualifying Conditions. Except for Attached Wireless Facilities as defined herein, the following site and developmental requirements shall apply to all sites for Wireless Communication Facilities:

A. The minimum site area shall include the minimum setbacks as specified in these regulations. Additionally, yard areas required by the zoning district where the site is located shall be provided for all other buildings associated with a Wireless Communication Facility. Adequate drives and roads shall be provided to the facilities to permit access by maintenance, operations and emergency vehicles as may be required on the site.

B. The use of guyed wires is strictly prohibited within residential districts.

C. The base of the tower and wire cable supports shall be fenced with a minimum six (6) foot high chain link fence.

D. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection 4.9.8, Removal. In this regard, the security shall, at the discretion of the Township, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the Township and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal, together with and including the cost of the removal itself. The applicant shall submit an itemized cost estimate for removal of the facility. The estimated cost of removal shall be subject to review and approval by the Township.

4. Authorization

A. Subject to the qualifying conditions set forth in these provisions, wireless communication facilities shall be permitted uses in the following circumstances:

i. An existing structure that will serve as an Attached Wireless Communication Facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Township Board after recommendation by the Planning Commission, proposed to be either materially altered or materially changed in appearance.

ii. A utility pole located within a road or utility easement right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Township Board after recommendation by the Planning Commission, would materially alter the structure or result in an impairment of sight lines or other safety interests.

iii. A Wireless Communication Support Structure established within a right-of-way having an existing width of more than two hundred four (204) feet.

iv. A wireless communication facility established on a parcel of property owned by the Township.

v. A proposed collocation upon an Attached Wireless Communication Facility, approved as a permitted use that was previously approved for such collocation as part of an earlier approval by the Township.

vi. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. The operator of the antenna shall bear cost for testing and verification of compliance.

B. If it is demonstrated by an applicant that a wireless communication facility may not be reasonably established as a permitted use under subsection 4.9.4.A, above, and, is required to be established in order to operate a wireless communication service,

then wireless communication facilities may be permitted elsewhere in the Township as a special use, in accordance with Sections 4.9.3, Qualifying Conditions and 4.9.5, Special Performance Standards as follows:

i. A monopole wireless communication support structure within a HSC Heavy Service Commercial District.

ii. A monopole or lattice wireless communication support structure in the I Industrial District.

iii. A proposed collocation upon an Attached Wireless Communication Facility that was previously approved for such collocation as part of an earlier approval by the Township.

C. If the Township Board determines that a request shall be denied under this Section, a detailed written description shall be included in the Board meeting minutes to explain the basis of the denial.

5. Special Performance Standards

A. The anticipated fracture point on a proposed tower may affect the mandatory setback requirements stipulated herein. The Township Engineer shall review, at the applicant's expense, the applicant's proposal to assure the request has been submitted consistent with the established Township design standards. The Township Engineer may recommend increased yard setback requirements when the structural design indicates such additional setback is necessary in order to preserve the health, safety and welfare of adjacent or nearby property. The tower must be setback from all property lines not less than the following minimum specifications:

4.9.5.A Tower Setbacks		
Adjacent Zoning District (front, side or rear adjacent or facing on opposite side of street)	Front Yard Setback (in feet)	Side or Rear Yard Setback (in feet)
Any agricultural or residential district	100 feet	50 feet
Any nonresidential and nonagricultural district	50 feet	50 feet

B. Accessory structures are limited to uses associated with the operation of the tower and may not be any closer to any property line than thirty (30) feet. If the required yard set back in the subject district is greater than thirty (30) feet, the accessory structure shall be set back from the property lines consistent with those requirements.

C. Accessory structures shall not exceed three hundred and fifty (350) square feet of gross building area per telecommunications provider. If equipment buildings are located on a site with other principal buildings, the exterior facade shall be of the same finish material as the front facade of the main building or other durable material as may be approved by the Township. All exterior building material shall be recognized as finish material. Unfinished surfaces such as cinder or cement block or metal shall not be permitted.

D. All buffer yard requirements within the zoning ordinance shall be met.

E. All wireless communication facilities will have a driveway that will meet Livingston County Road Commission road base construction at the point of intersection with a County road.

F. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.

G. A registered civil engineer shall certify the plans for the tower construction.

H. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes. A design ratio of the proposed load and anticipated future load shall be reviewed by a professional engineer.

I. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be complied with.

J. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.

K. All towers shall be constructed of corrosive-resistant galvanized metal and may be required to be painted at the Township's discretion.

L. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable statutes, regulations and standards.

M. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.

N. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

O. Towers shall be located so that they do not interfere with transmission or reception of radio, telephone, cellular telephone, television, microwave or other similar forms of telecommunications signals in nearby residential areas.

P. Towers shall be located so there is room for vehicles providing maintenance to maneuver on the property owned or leased by the applicant.

Q. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area.

R. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.

S. Existing on-site vegetation shall be preserved to the maximum extent practicable.

T. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

U. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to reduce off-site visibility of the antenna.

V. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

W. The site shall be screened consistent with the requirements of Section 5.11, Landscaping and Screening, Berms. In no case shall the evergreen landscape plantings be any closer than ten (10) feet to any structure.

X. The property owner or lessee shall remove the tower within six (6) months of abandonment of the tower.

Y. If the required removal of a facility or a portion thereof has not been lawfully completed within six (6) months and after thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

Z. The height of the tower shall not exceed the minimum height above grade required to perform the service proposed by the service provider. However, the tower height may be increased to a maximum of one hundred and ninety-nine (199) feet above grade to provide the opportunity for collocation to occur as described in this Ordinance.

6. Special Requirements for Facilities Proposed to be Situated Outside Specified Districts. For facilities which are not permitted uses under subsection 4.9.4.A, and proposed to be located outside of a district identified in subsection 4.9.4.B, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in subsection 4.9.2:

A. At the time of the submittal, the applicant shall demonstrate that a location as specified in subsection 4.9.4.A cannot

reasonably meet the coverage and/or capacity needs of the applicant.

B. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.

C. In single-family residential neighborhoods, site locations other than as identified in subsection 4.9.4 shall be permitted on the following sites (not stated in any order of priority), subject to application of all subsection 4.9.5 and other developmental standards contained in these provisions:

i. Municipally owned site.

ii. Other governmentally owned site.

iii. Religious or other institutional site.

iv. Public park and other large permanent open space areas when compatible.

v. Public or private school site.

vi. Other locations if none of the above is available.

7. Collocation

A. Statement of Policy. It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the Township, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in this Ordinance. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by that provider, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with this policy.

B. Feasibility of Collocation. Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

i. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

ii. The site on which collocation is being considered is able to provide structural support, taking into consideration reasonable modification or replacement of a facility.

iii. The colocation being considered is technologically reasonable, for example, the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

iv. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in this Ordinance.

C. Requirements for Colocation.

i. Approval shall not be granted for the construction and use of a new wireless communication facility unless and until the applicant demonstrates that a feasible colocation, consistent with subsection 4.9.7.B is not available for the coverage area and capacity needs.

ii. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

iii. The policy of the Township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility, constructed after the adoption of these provisions, shall fail or refuse to alter a structure

so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

iv. If a party who owns or otherwise controls a wireless communication facility, constructed after the adoption of these provisions, shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the collocation.

8. Removal

A. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners. When the facility has not been used for one hundred eighty (180) days or more, the facility shall be removed. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/ or reception of radio signals) shall be considered as the beginning of a period of nonuse.

B. The situations in which removal of a facility is required, as set forth in subsection 4.9.8.A above, may be applied and limited to portions of a facility.

C. Upon the occurrence of one or more of the events requiring removal, specified in subsection 4.9.8.A above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

E. Re-use of an approved wireless communication facility for any other use other than as specifically provided for at the time of approval under these provisions is prohibited unless such new or different use is approved by the Township.

9. Appeals. The Zoning Board of Appeals shall hear all appeals and requests for variances from the provisions of this section consistent with the overall procedures and requirements established in this Zoning Ordinance.

4.10 KEEPING OF ANIMALS

1. Family Pets

A. The keeping of family pets, including rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any zoning district which permits residential dwellings. Family Pets, as defined in Section 2.2 shall be differentiated from Exotic Animals and Domesticated Animals.

B. The keeping of up to four (4) dogs or cats more than six (6) months in age, is an accessory use in any zoning district which permits residential dwellings.

C. All household pets shall be maintained and accommodated in a manner so as to not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.

D. Kennels shall meet the standards contained in Section 4.33, Kennels.

E. Except as allowed in this Section, it is unlawful for a person to possess, breed, exchange, buy or sell Exotic Animals as defined in Section 2.2. Excepted individuals and organizations shall be as follows: zoological parks and aquariums that are accredited by the American

4.10.2.B Keeping of Animals			
Type of Animal	Number of Animals Permitted on Minimum-Sized Lot	Number of Animals Permitted per Acre above the Minimum Lot Size	Minimum Lot Size
Cattle and Equine	2	2 animals/acre	5 acres
Swine, Sheep, Goats	2	2 animals/acre	5 acres
Turkey/Geese	25	25 animals/acre	2.5 acres
Fowl/Poultry	50	50 animals/acre	2.5 acres
All Others	1,000 pounds live weight per acre	1,000 pounds live weight per acre	Shall be based on the size of the largest animal kept

Association of Zoological Parks and Aquariums; wildlife sanctuaries; nature preserves; circuses; bona fide scientific, medical, or educational research facilities.

2. Domesticated Animals. Except for a farm, as defined in Section 2.2, or as superseded by the Right to Farm Act (P.A. 93 of 1981, as amended), the raising and keeping of Domesticated Animals, as defined in Section 2.2, shall be permitted only in the CA District and subject to the following conditions:

   A. Minimum lot size for cattle, equine, swine and sheep or goats shall be five (5) acres. Minimum lot size for poultry, fowl, turkeys, and geese shall be two and one half (2.5) acres. The minimum lot size for all other animals shall be determined based upon the size of the largest animal kept.

   B. The number of Domesticated Animals allowed for each acre of lot size is identified in the following table. Where there are different types of animals kept on the same parcel, the required lot size must be calculated as the combined total requirement for each type of animal (for example, one cattle, one equine and two swine require a total of six (6) acres).

   C. All lots shall be properly fenced in such a manner that no livestock, poultry or other animals will run at large.

   D. No animal waste shall be accumulated or be stored within one hundred (100) feet of a property line. No structure for housing such animals shall be located within one hundred (100) feet of a property line.

   E. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.

4.11 SEXUALLY ORIENTED BUSINESSES

1. Purpose. It is the purpose of this Ordinance to regulate Sexually Oriented Businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Sexually Oriented Businesses within the Township. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

2. Uses Constituting Adult Uses. Applicable uses considered under this Section are defined in Section 2.2. Such terms include: "Sexually Oriented Businesses" and "Specified Sexual Activities" and "Specified Anatomical Areas."

3. Required Spacing. Sexually Oriented Businesses shall meet all of the following space requirements. Unless otherwise specified, the measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as part of the premises where Sexually Oriented Businesses are conducted to the nearest property line of premises of the types of uses listed below:

   A. At least one thousand (1,000) feet from any other Sexually Oriented Businesses. For this subsection, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to the intervening structures or

objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

B. At least six hundred (600) feet from all churches, synagogues, mosques, temples or building which is used primarily for religious worship and related religious activities.

C. At least six hundred (600) feet from all public or private educational facilities including but not limited to child day care facilities, licensed child care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

D. At least six hundred (600) feet from all hospitals.

E. At least six hundred (600) feet from the boundary of any residential district, including the CA, RUR, RR, STR, RE, SR, MDR, HDR, MR or MR-2 Districts or six hundred (600) feet from any property containing any one-family or multiple-family residential use.

F. At least six hundred (600) feet from any entertainment business, any establishment licensed or proposed to be licensed by the State of Michigan to serve alcohol, pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation, dance club catering primarily to teenagers, movie theaters, indoor and outdoor roller or ice skating rinks and similar uses frequented by minors under the age of 18.

G. At least six hundred (600) feet from any public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of the Township or any municipal park and recreation authorities.

4. Special Standards

A. The maximum size of the building shall be three thousand (3,000) square feet.

B. The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.

C. Sexually Oriented Businesses shall be located within a free-standing building. A shared or common wall, structure or shopping center is not considered to be a free-standing building.

D. The style, shape and color of the building materials shall be subject to approval by the Planning Commission and Township Board in consideration of the similarity and compatibility of said structure with other structures within a reasonable proximity and this Ordinance.

E. In addition to the requirements of Section 5.20 of this Ordinance regarding walls and fences (except as specifically provided below) and the landscaping requirements set forth in Section 5.11, a four and one-half (4-1/2) foot high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way. The provisions of Section 5.20.1.C, Wall and Fence Specifications shall not be used as all or part of the required screening for Sexually Oriented Businesses.

F. No person shall reside in or permit any person to reside in the premises of Sexually Oriented Businesses.

G. No person operating Sexually Oriented Businesses shall permit any person under the age of eighteen (18) to be on the premises of said use either as an employee or customer.

H. Sexually Oriented Businesses shall comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.

I. Any sign or signs proposed for Sexually Oriented Businesses shall comply with the provisions of this Ordinance; may not otherwise include photographs, silhouettes, drawings, or pictorial

representations of specified anatomical areas, specified sexual activities or obscene representations of the human form; and may not include animated or flashing illumination.

J. Entrances to Sexually Oriented Businesses must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: (1) "Persons under the age of 18 are not permitted to enter the premises," and (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

K. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public street or private street or a neighboring property.

L. Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday. All Sexually Oriented Businesses shall remain closed on Sundays and legal holidays.

M. All off-street parking areas shall comply with this Ordinance and shall be illuminated after sunset during all hours of operation and until one (1) hour after the business closes. The illumination shall be designed in accordance with Section 5.13, Lighting.

N. Any booth, room or cubicle available in any Sexually Oriented Businesses, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:

   i. Be handicap accessible to the extent required by law;

   ii. Be unobstructed by any floor, lock or other entrance and exit control device;

   iii. Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;

   iv. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and

   v. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

5. Conditions. Prior to granting approval for the establishment of any Sexually Oriented Businesses, the Planning Commission and Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the special use as in its judgment may be necessary for the protection of the public interest. Any evidence bond or other performance guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

4.12 ADULT CARE AND CHILD CARE FACILITIES

The following regulations shall apply to adult care and child care facilities which provide care for seven (7) or more individuals:

1. Licensing. In accordance with applicable state laws, all such facilities shall be registered with or licensed by the Department of Social Services and shall comply with the minimum standards the State of Michigan has outlined for such facilities.

2. Setbacks. Buildings housing adult or child care facilities shall have a minimum side yard setback of at least forty (40) feet.

3. Location. The group day care home shall not be located closer than 1,500 feet to any of the following:

   A. Another licensed group day-care home.

   B. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act.

   C. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.

   D. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

4. Fencing. Appropriate fencing shall be provided for the safety of children in the group day-care home, as determined by Hartland Township.
5. Property. The property shall be maintained consistent with the visible characteristics of the neighborhood.
6. Hours of Operation. A group day-care home shall not exceed 16 hours of operation during a 24-hour period.
7. Parking. Off-street parking shall be provided for employees and shall meet the requirements of Section 5.8, Off-Street Parking Requirements.
8. Compliance. A State licensed or registered family or group day-care home that operated before March 30, 1989 is not required to comply with the above requirements.
9. In the NSC, Neighborhood Service Commercial District, the outdoor recreation area for adult care centers, child care centers, preschool and day care centers shall be in the rear or side yard only.

4.13 AIRPORTS AND RELATED USES

Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted subject to the following conditions:

1. Plan Approval. The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
2. Minimum Standards. The standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation shall be complied with.
3. Clear Zones. All required "clear zones" (as defined by the FAA) shall be owned by the airport facility.
4. Aircraft and Vehicle Parking. Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for offices, restaurants, sales rooms, and other uses associated with the airport, subject to the requirements in Section 5.8, Off-Street Parking Requirements.
5. Approval from Utility Companies. The plans for such facilities shall be submitted to all utility companies serving the area, including companies that have communication towers within two miles of the proposed facility.
6. Setback. No portion of any landing strip or pad, runway, or similar facility shall be located closer than five hundred (500) feet to any parcel of land that is zoned or used for residential purposes excluding the CA District. The setback shall not apply to landing strips used for private, non-commercial use.

4.14 ASPHALT, TRANSIT MIX AND CONCRETE PLANTS

Concrete plants shall comply with the following regulations:

1. Setbacks. In order to reduce the effects of airborne dust, dirt and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than one hundred (100) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any residence that is not zoned industrial.
2. Access. Asphalt, transit mix and concrete plants shall have direct access onto a paved principal arterial road. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.
3. Stacking Spaces. A minimum of five (5) stacking spaces large enough to accommodate the largest truck expected shall be provided on the premises for trucks waiting to be loaded. All stacking and waiting areas shall be contained on the site.
4. Layout. Concrete batch plants and operations shall be entirely enclosed within a building.
5. Outside Storage. Outside storage of materials other than sand, gravel and other natural materials used in the manufacturing process shall be prohibited. Sand and gravel storage and temporary storage of processed materials, where necessary, awaiting transport shall be enclosed on three sides with a wall or maintained landscaped berm. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed fifteen feet in height.
6. Screening. Plant facilities, including parking and loading areas, shall be screened in accordance with Section 5.11, Landscaping and Screening. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts.

7. Truck Traffic. Trucks hauling mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations. A truck haul route shall be designated and subject to Planning Commission approval. A schedule for cleaning and other necessary maintenance of roadways at the point of access shall be included on the plan.

8. Back-up Alarm. All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device which automatically adjusts the volume so the alarm can be heard just above the ambient noise level.

9. Truck Washes. All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the plant site.

10. Pollution Control

    A. Plants shall comply with the dust and noise standards set forth in Section 5.19, Performance Standards. The plan for fugitive dust shall address emissions from stockpiles, process sources, and traffic.

    B. Plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a Michigan Department of Environmental Quality groundwater discharge permit has been obtained, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.

    C. Appropriate measures must be taken to ensure that storm water discharged into drainageways, storm drains, wetland areas or groundwater meets applicable standards of the regulating county, state and federal agencies.

    D. All hazardous materials used in the production process including additives, fixants and liquid asphalt as well as any fly ash stored on site must be contained in sealed bins and housed within a building with concrete floors. Manufacturer's specifications (including potential hazards) for such additives, fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain any possible spills shall be submitted to the Planning Commission for review and posted on site. Copies of this plan shall be forwarded to the Livingston County Emergency Program Manager and the Livingston County Health Department.

11. Plan Approval. The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Air Quality Control Division, Michigan Pollution Control Commission and MDEQ Ground Water Division. Evidence of approvals from these agencies shall be submitted to the Township prior to final approval.

12. Excess Asphalt or Concrete. The proposed recovery system for excess asphalt, concrete or similar materials must be noted on the site plan and approved by the Township. The plan shall include a means of sealing the recovery area to prevent leaching of hazardous materials into the ground. Storage of such excess materials on the site shall not exceed the limits specified in the approved recovery plan. Excess asphalt, concrete, or similar materials from other locations shall not be brought onto the site for recovery.

13. Performance Guarantee. Prior to issuance of a land use permit, the Township may require submission of a performance guarantee, in accordance with Section 6.4, Performance Guarantee.

14. Height of Structure. Structures on site including stacks and towers shall not exceed a height of thirty-five (35) feet.

15. Odor. Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or a hazard on adjoining property, or which could be detrimental to human, plant, or animal life. The use of any furnace or combustion device in association with concrete, asphalt, or transit mix plants shall be equipped with recognized and approved equipment, methods, or technology to reduce the quantity of airborne fumes emitted into the open air in accordance with Section 5.19, Performance Standards.

4.15 AUTOMOBILE OR VEHICLE DEALERS

Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. 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 in accordance with the Hartland Township's Engineering Design Standards.
2. Driveway Location. The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
3. Servicing of Vehicles. Any major or minor automobile repair, as defined in Section 2.0 shall be subject to the following requirements:
   A. Service activities shall be clearly incidental to the vehicle sales operation.
   B. Vehicle service activities shall occur within a completely enclosed building.
   C. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
   D. The building containing service operations shall be located a minimum of fifty (50) feet from any property line or the required setback whichever is greater.
   E. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.
4. Broadcasting Devices Prohibited. Devices for the transmission or broadcasting of audible voice or music sounds, such as a public address system, bells or tone devices, shall be prohibited outside of any building.
5. Setbacks. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the setback and other requirements for parking lots, as specified in Section 5.8, Off-Street Parking Requirements.
6. Groundwater Protection. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe 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, as approved by the Fire Department.
7. Screening. All outdoor sales, display, or storage areas adjacent to a residential district shall be screened in accordance with Sections 5.11 and 5.20.

4.16 AUTOMOBILE SERVICE STATIONS

The following regulations shall apply to Automobile Service Stations, including tire, battery, muffler, and undercoating shops:

1. Frontage. Such uses shall have access to and front upon a hard surface, major thoroughfare.
2. Minimum Lot Width. The minimum lot width required for such uses shall be 200 ft.
3. 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 forty (40) feet shall be maintained on all sides which abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

Section 4.16.3 Minimum Setbacks	
	Minimum Setback from right-of-way line
Nearest Edge of Pump Island	30 ft.
Nearest Edge of Unenclosed canopy	20 ft

4. Ingress and Egress. Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (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.

5. 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. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned and so that they do not face onto adjacent thoroughfares unless screened by landscaping.
6. Outside Storage. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute consistent with the applicable standards of Sections 5.11 and 5.20 as approved by the Planning Commission.
7. Vehicle Sales and Outdoor Storage. The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Outdoor storage is prohibited.
8. Groundwater Protection. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe 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, as approved by the Fire Department.
9. (Reserved)
10. Lighting. A canopy is subject to lighting standards provided in Section 5.13, Lighting.

4.17 AUTOMOBILE WASH ESTABLISHMENT

The following regulations shall apply to Automobile Wash Establishments:

1. Layout. All washing activities shall be carried on within a fully enclosed, roofed building. Vacuuming activities shall be permitted in the side or rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned property. Entrances and exits shall not face abutting residentially zoned or used property.
2. Entrances and Exits. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
3. Orientation of Open Bays. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto any adjacent thoroughfares unless screened by landscaping or an acceptable substitute.
4. Exit Lane Drainage. Exit lanes shall be sloped to drain water back to the wash building to drainage grates.
5. Truck Washes. Truck washes must be at least one hundred (100) feet from all property line and entirely screened from residential uses. The screening shall include both a wall and landscaping.

4.18 BED AND BREAKFAST FACILITIES

Bed and breakfast facilities shall be subject to the following regulations:

1. Bed and Breakfast as Accessory Use. The bed and breakfast operation shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operation shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than twenty five percent (25%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
2. Maximum Number of Units. No more than six (6) bed and breakfast sleeping rooms shall be established in a bed and breakfast facility. However, the Planning Commission may limit the number of sleeping rooms based on site or building limitations and principles of good design.
3. Principal Residence. The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
4. Kitchen Facilities. There shall be no separate cooking facilities for the bed and breakfast operation, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility. Dining space sufficient to seat all guests shall be provided.

5. Building Requirements. A building used for bed and breakfast operations shall comply with the following minimum requirements:
   A. There shall be at least two (2) exits to the outdoors, with separate means of egress provided from each room.
   B. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants. Rooms shall be designed to accommodate no more than two (2) occupants.
   C. Each sleeping room shall be equipped with a smoke detector. A fire escape plan shall be graphically displayed in each guest room. A fire extinguisher in proper working order shall be placed on every floor.
   D. At least one bathroom shall be provided for each two rooms on the same floor.
6. Parking. Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Section 5.8, Off-Street Parking Requirements. Off-street parking in the front yard is prohibited.
7. Duration of Stay. Duration of stay of guests shall be limited to a maximum of seven days.
8. Guest Register. All Bed and Breakfast operations shall maintain a guest register. Such register is subject to inspection during reasonable hours by the Zoning Administrator.
9. Signs. Signs shall comply with Section 5.26 of this Ordinance.

4.19 CEMETERIES AND PET CEMETERIES

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

1. Size. The minimum parcel size shall be five (5) acres and have a minimum frontage of 330 feet on a public road.
2. Location. No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.
3. Master Plan. Any crematorium, mausoleum, columbarium, or other building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.
4. Setbacks. No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.
5. Location of Entrances. Entrances to cemeteries shall be from an arterial or collector road as determined in the Master Plan, and shall be designed to minimize traffic congestion.
6. Screening. Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with Section 5.11 of this Ordinance.

4.20 CHURCHES AND RELIGIOUS INSTITUTIONS

The following regulations shall apply to all Religious Institutions, including churches, synagogues, temples, and so forth:

1. Lot Width. The minimum lot width for religious institutions shall be three hundred and thirty (330) feet, unless a greater width is specified in the Schedule of Regulations for the district in which the institution is located. If located on a parcel having 660 feet or more of frontage, two (2) entrances/exits spaced at least 330 feet apart shall be required, except lots or parcels existing prior to the adoption of this Zoning Ordinance and any amendments to it, provided that all other requirements of this Ordinance are met.
2. Parking Setback. Off-street parking shall be prohibited in the front setback area and within fifteen (15) feet of the rear or side property line.
3. Building Setback. Religious institutions shall comply with the following building setback requirements, unless larger setbacks are specified in the Schedule of Regulations for the district in which the institution is located.
   A. Front Yard: 50 feet
   B. Side Yards: 25 feet
   C. Rear Yard: 50 feet
4. Frontage and Access. Religious institutions shall be located on a paved minor collector or major thoroughfare road.
5. Landscaping. Religious institutions shall comply with the landscaping requirements set forth in Section 5.11, Landscaping and Screening.
6. Maximum Height. Churches may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height.
7. Churches in Existing Structures. If a church is to be located in an existing structure in a

residential zoning district, such occupancy shall be permitted provided that the structure retains its existing floor area and its external residential character and continues to meet all of the other requirements of the Ordinance, unless variances are granted by the Zoning Board of Appeals.

8. Churches in STR Districts. STR Districts were created to assist the Township in preservation of the traditional Midwestern settlements that exist in the Township. Because of the unique attributes of those settlements and the churches that exist there, the Planning Commission and Township Board can exercise flexibility in the application of these regulations in order to maintain the traditional development character of the surrounding settlement. The requirements of this section may be adjusted by the Planning Commission and Township Board in order to accommodate the redevelopment of churches in the STR Districts.

4.21 COAL, COKE AND FUEL YARDS

Prior to establishment of a coal, coke, or fuel yard (including propane fuel distributors), an impact assessment shall be prepared in accordance with Section 6.2, Impact Assessment and submitted to the Planning Commission for review.

4.22 COMPOSTING CENTERS

1. The applicant shall submit an Impact Assessment in accordance with Section 6.2, Impact Assessment describing the expected odors, aesthetic impact, environmental impacts, vehicular and truck impacts associated with the use, and any mitigation measures to be employed.
2. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated) curbing area, landscaped buffers, sales area and fencing.
3. Commercial composting operations shall be at least five hundred (500) feet from any residential district except CA and RUR Districts.
4. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
5. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
6. The applicant shall describe acceptable methods for control of odors.
7. A landscaped greenbelt, as described in Section 5.11, Landscaping and Screening shall be provided on all sides unless waived by the Planning Commission in consideration of adjacent uses and topographic features.
8. Access shall be provided solely on Class A truck routes.
9. All storage areas shall be enclosed in a building or be adequately screened as reviewed and approved by the Planning Commission during the site plan review process.

4.23 NURSING OR CONVALESCENT HOMES, CHILD CARING INSTITUTIONS, AND CONGREGATE CARE FACILITIES

The following regulations shall apply to Nursing or Convalescent Homes, Child Caring Institutions, and Congregate Care Facilities.

1. Frontage and Access. Such uses shall front onto a paved arterial or collector road and provide the main means of access to the hospital for residents, patients, visitors and employees. In no case shall access to a nursing or convalescent home be from a residential street in a platted subdivision.
2. Setbacks. The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.
3. Open Space. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

4.24 DRIVE-IN ESTABLISHMENTS

1. General Provisions. The following provisions shall apply to all drive-in establishments:
   A. Location of Driveways. Driveways serving drive-in establishments shall be located off of a minor or principal arterial. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
   B. Screening. An obscuring wall or greenbelt shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in Sections 5.11, Landscaping and Screening and 5.20, Walls and Fences.
2. Drive-In Theaters. The following regulations shall apply to Drive-In Theaters:
   A. Setbacks. The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.
   B. Frontage and Road Access. Such uses shall front onto a paved principal arterial and provide the main means of access to the theater. In no case shall access to a drive-in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
   C. Access Drive Design. The access drive shall be designed with separate entrance and exit lanes which shall be separated by a landscaped median strip at least ten (10) feet in width. There shall be a minimum of two (2) entrance and two (2) exit lanes, and each lane shall be at least ten (10) feet in width.
   D. Stacking Space. A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.
   E. Screening. The entire drive-in theater site shall be screened in accordance with Sections 5.11, Landscaping and Screening and 5.20, Walls and Fences.
   F. Number of Movie Screens. No more than one (1) screen shall be permitted per establishment.

4.25 RESERSVED

4.26 ESSENTIAL PUBLIC SERVICES STRUCTURES, STORAGE YARDS AND SUBSTATIONS.

Essential public services structures, substations, and similar uses shall comply with the following regulations:

1. Location. Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of existing development.
2. Design. All such buildings shall be architecturally compatible with buildings in the vicinity and shall be screened in accordance with Sections 5.11, Landscaping and Screening and 5.20, Walls and Fences. Electric or gas regulator equipment and apparatus shall be setback a minimum if thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities can not be located in the required front yard.
3. Off-site Impact. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation. Essential public service storage yards shall be screened from any adjacent residential district in accordance with Sections 5.11, Landscaping and Screening and 5.20, Walls and Fences.
4. Security Fencing. Security fencing may be permitted, subject to the requirements in Section 5.20, Walls and Fences. Adjacent to a residential district, such fencing shall be decorative masonry and eight (8) feet high, subject to modification by the Planning Commission.
5. When permitted as a special use in the GC District, architecture and screening shall be provided to maintain compatibility with surrounding uses, as determined by the Planning Commission. Transformer stations, substations, or gas regulator stations are not permitted in this district.

4.27 FARMS

The following provision shall apply to farms as defined in Section 2.2 unless superseded by the Right to Act (P.A. 93 of 1981, as amended):

1. Location. Feedlots and commercial livestock operations shall not be located within a subdivision, proprietor or assessor's plat or in a floodplain or regulated wetlands.
2. Minimum Size. The minimum size for a farm shall be ten (10) acres, except that feedlots and commercial operations for livestock and fowl shall have at least eighty (80) acres.
3. Prohibited Uses. Farms shall not be used for the disposal of garbage, rubbish, offal from rendering plants, or for the slaughtering of animals except where the animals have been raised on the premises for consumption by residents on the premises.
4. Setbacks. Farms shall comply with the following setback requirements:
   A. Farm buildings used to house large animals, feed lots and livestock confinement areas shall be located at least one hundred (100) feet from residentially used or zoned property and all road right-of -way.
   B. Runoff from pasture feeding and watering areas shall be separated from any surface water by vegetative buffer that is at least sixty-six (66) feet in width.
5. Pesticide Management. Pesticides shall be located in a lockable building or storage facility which shall be ventilated to dissipate dust and fumes. New pesticide storage facilities shall have a concrete floor that is sloped to a sump for containment of spills. To prevent potential contamination of the groundwater, the storage facility shall not have a floor drain. New bulk pesticide storage areas shall be located a minimum of 150 feet from any single family residential water well and a minimum of 200 feet from surface water.
6. Manure Management. Manure shall be stored in a manner that minimizes odors and runoff. Consideration should be given to partial paving of confinement areas, storage ponds, and other accepted agricultural practices regarding runoff control. All manure shall be stored at least 100 feet from any property line.
7. Exceptions. These provisions shall not apply to garden plots for single family residents, or to a collection of farm buildings that is operated for educational, demonstration, or recreational purposes (such as a "petting zoo" or "interpretive farm"). Petting farms shall be limited to buildings only.

4.28 FAST-FOOD AND DRIVE-THROUGH RESTAURANTS

The following regulations shall apply to Fast-Food and Drive-Through restaurants:

1. Minimum Frontage. The site shall have a minimum of two hundred (200) feet of frontage on a paved major thoroughfare unless accessed via a service drive or marginal access road.
2. Location of Driveways. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). The use of secondary access drives in accordance with Section 5.10.2 is required.
3. Control of Sound Level. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
4. Stacking space and lanes shall be provided as specified in Section 5.8, Off-Street Parking Requirements. Additionally, the site design must allow for unimpeded circulation around the building outside of the drive-through lanes.

4.29 FUNERAL HOMES OR MORTUARIES

The following regulations shall apply to Funeral Homes and Mortuaries:

1. Assembly Area. A minimum of 9,000 sq. ft. (30 car capacity) shall be provided off-street for vehicles to be used in funeral processions.
2. Screening. Service, loading, and parking areas shall be screened from adjacent residential areas in accordance with Section 5.11, Landscaping and Screening.
3. Caretaker's Residence. A caretaker's residence may be provided within the main building of the funeral home or part of an accessory building, subject to the provisions in Section 5.14, Accessory Uses and Structures.
4. Loading Requirements. One (1) loading berth shall be provided per 5,000 square feet of gross floor area, and one (1) additional berth shall be provided for each additional 10,000 square feet of floor area. Each loading berth shall measure at least 10 ft. x 25 ft.
5. Location. Such uses shall front onto a paved arterial or collector road and the main means of access shall be via the paved road.

4.30 GOLF COURSES

The following regulations shall apply to Golf Courses, Country Clubs, and Par-3 Golf Courses:

1. Lot Size. Regulation length 18-hole golf courses shall have a minimum lot size of 160 acres, of which a minimum of 110 acres of usable land shall be allocated to fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of 90 acres. Eighteen-hole par-3 courses shall have a minimum lot size of 50 acres.
2. Setbacks and Fairway Width. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred fifty (150) feet subject to review by the Planning Commission. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred ten (210) feet from the center of the fairway.
3. Access. Golf courses and country clubs shall have direct access onto a public road.
4. Shelter Buildings. At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Livingston County Health Department and the County Building Code.
5. Impact on Water Supply. A hydrogeological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells.
6. Building Setbacks. Buildings shall be setback a minimum of one hundred (100) feet from any property line that abuts residentially zoned or used property, and seventy five (75) feet from any other property line.
7. Turf Maintenance Plan. The proposed turf maintenance plan and chemical application plan for the first year and for long-term turf maintenance shall be submitted for review.
8. Chemical Storage. Detailed plans for chemical storage shall be provided. Buildings in which chemicals are stored shall be designed to contain spills and shall not have floor drains that discharge into a septic system or other pathway to the groundwater. Plans for emergency containment and clean-up shall also be provided.

4.31 HOSPITALS

The following regulations shall apply to Hospitals:

1. Frontage and Access. Hospitals shall have a minimum of 660 feet of frontage on a paved major thoroughfare and the main means of access to the hospital for patients, visitors, and employees shall be via the major thoroughfare. In no case shall access to a hospital be off of a road determined by the Township to serve primarily local residential traffic. A minimum of two (2) entrances/exits shall be provided located no less than 330 feet apart.
2. Setbacks. The principal building and all accessory buildings shall be set back a minimum distance of one hundred (100) feet from all property lines. The minimum setback shall be increased twenty (20) feet for each story in excess of two (2) stories.
3. Screening. Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with Section 5.20, Walls and Fences.

4.32 JUNK YARDS OR SALVAGE YARDS

The following regulations shall apply to Junk Yards and Salvage Yards:

1. Setbacks. A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least two hundred fifty (250) feet from any road right-of-way line, and at least three hundred (300) feet from any property line which abuts a residentially-zoned district.
2. Screening. The entire junk or salvage yard site shall be screened with an eight (8) foot high obscuring masonry wall, or solid wood fence constructed in accordance with Section 5.20, Walls and Fences. The decorative wall or fence shall be maintained in neat appearance, and shall not display any signs or symbols.
3. Surfacing. All roads, driveways, parking lots, and loading and unloading areas shall be

paved or treated in a manner approved by the Planning Commission so as to confine any wind-borne dust within the boundaries of the site.

4. Regulated Activities. Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.
5. Permits. All required Township, County, and State permits shall be obtained prior to establishing a junk or salvage yard.
6. Stacking. Junk, automobiles, or other debris shall not be stacked in a manner such that the material is visible outside the site. A junk or salvage yard shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

4.33 KENNELS

The following regulations shall apply to Kennels as defined herein.

1. Operation. Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.
2. Lot Size. The lot on which any such kennel is located shall be a minimum of five (5) acres in size. If more than five (5) animals over the age of six (6) months are housed in the kennel, an additional one-third (1/3) acre shall be required for every additional animal over six (6) months of age.
3. Setbacks. Buildings in which animals are kept, animal runs, and exercise areas shall be located at least one hundred (100) feet from any property line.
4. Sound Control. All animals shall be housed in a masonry building which is fully soundproofed, using insulation, soundboards, and acoustic tile. The animals shall be kept inside the building between the hours of 9:00 p.m. and 7:00 a.m.
5. Odor Control. Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.
6. Kennels Prohibited in Subdivisions. Regardless of lot size, kennels shall not be permitted in platted subdivisions or condominium developments.

4.34 LARGE SCALE INSTITUTIONAL USES, INCLUDING LARGE SCALE CHURCHES

Large scale institutional uses including large scale churches, as defined in Section 2.2, Definitions shall be subject to the conditions that follow:

1. Frontage. The site shall have at least one hundred and fifty (150) feet of frontage on a hard surfaced major thoroughfare with an existing or planned right-of-way of not less than one hundred twenty (120) feet. All ingress and egress to the site shall be directly onto such major thoroughfare.
2. Site Location. The site shall be located within one-half (1/2) mile of M-59 or one (1) mile of interchange access to US 23 as measured along hard surfaced major thoroughfares.
3. Setbacks. All buildings, structures, and parking and loading areas shall be set back a minimum of one hundred (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 5.11, Landscaping and Screening.
4. 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 and shall be presented to the Planning Commission for approval.
5. 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.
6. Parking Screening. All parking spaces and aisles shall be screened from off-site view in accordance with the requirements of Section 5.11, Landscaping and Screening.
7. Sound Control. There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.
8. Storage. Storage of buses, trucks, and maintenance equipment shall be entirely within a totally enclosed building.

4.35 MINI WAREHOUSES

The following regulations shall apply to Mini-Warehouses:

1. Permitted Use. Mini-warehouse establishments shall provide for storage only, which must be contained within an enclosed building. No water or telephone service shall be provided. Electric service shall be limited to 10 amperes.
2. Site Enclosure. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high masonry wall, constructed in accordance with Section 5.20, Screening. A six (6) foot chain link fence may be permitted along property lines which do not abut a residentially zoned or residentially used district.
3. Exterior Appearance. The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
4. Resident Manager. A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.
5. On-Site Circulation and Parking.
   A. All one-way driveways shall be designed with one ten (10) foot wide loading/ unloading lane and one fifteen (15) foot travel lane.
   B. All two-way driveways shall be designed with one ten (10) foot wide loading/ unloading lane and two (2) twelve (12) foot travel lanes.
   C. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

4.36 HOTELS

The following regulations shall apply to Motels and Hotels:

1. Design. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
2. Parking. Off-street parking for semi-trailers shall be specifically designated and separated from passenger vehicles.

4.37 OIL AND GAS PROCESSING PLANTS

The following regulations shall apply to oil and gas processing or sweetening plants:

1. Setbacks
   A. Oil and gas processing plants shall be located a minimum of thirteen hundred (1,300) feet from any property line, wetlands, or surface water and a minimum of five hundred (500) feet from any residential zoned property.
   B. Oil and gas processing plants shall be located a minimum of two thousand six hundred and forty (2,640) feet from population concentrations, such as subdivisions, apartment buildings residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing or convalescent homes.
2. Density. There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
3. Screening. Oil and gas processing facilities shall be screened in accordance with Section 5.11, Landscaping and Screening.
4. Air Pollution Control. Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times. The operator also provide the Township with an emergency preparedness plan in the event a complaint requires a plant shut down, and submit an odor complaint response plan for Planning Commission approval.
5. Fire Detection. The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.

6. Noise. Oil and gas processing plants shall comply with the noise standards set forth in Section 5.19, Performance Standards.
7. Automatic Alarm System. In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher and plant operating personnel.
8. Site Security. The following security measures shall be maintained on the site:
   A. Fencing. The site shall be fully enclosed with a eight foot high chain link fence with three strands of barbed wire along the top of the fence.
   B. Locking of the Facility. All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
   C. Signs. "Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
   D. Lighting. The site shall be adequately lighted, and subject to the standards of Section 5.13, Lighting.
   E. Telephone Monitoring System. In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
9. Preventative Maintenance. The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
10. Site Closure. In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.
11. Other Approvals. The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Natural Resources (MDNR) Waste Management Division, Michigan Pollution Control Commission, Livingston County Health Department, Livingston County Road Commission, Livingston County Drain Commission, MDNR Environmental Response Division, and Michigan Department of State Police Fire Marshall Division.
12. Performance Guarantee. Prior to issuance of a building permit, the Township require submission of a performance guarantee, in accordance with Section 6.4.
13. Franchise Agreements for Oil and Gas Lines. The Township Board shall consider all requests for Franchise Agreements, consistent with the provisions of state and federal law.

4.38 OPEN-AIR BUSINESS, COMMERCIAL OUTDOOR DISPLAY, SALES OR STORAGE

The following regulations shall apply to all such uses, whether operated year round or on an intermittent basis, or as a principal or accessory use:

1. Driveway Location. The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.
2. Setbacks. No outdoor storage shall be permitted in any required front, side, or rear setback of buildings for the district in which the commercial outdoor display, sales or storage used is located..
3. Lot Width. The minimum lot width for open-air businesses shall be one hundred and fifty (150) feet.
4. Loading and Parking. All loading, truck maneuvering and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.
5. Storage. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials. Storage areas shall consist of a permanent, durable and dustless surface (gravel) and shall be graded and drained to dispose stormwater without a negative impact on adjacent property.

6. Sales and Display. All outdoor sales and display areas shall have an approved paved or aggregate surface and a stormwater drainage system.
7. Screening. All outdoor sales, display or storage area property lines adjacent to a residential district shall be screened in accordance with Sections 5.11 and 5.20.
8. Outdoor Display of Vehicles. Please see Section 4.15 – Automobile or Vehicle Dealers. .
9. Plant Material Nursery. Nurseries which deal with plant materials shall comply with the following:
   A. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
   B. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
10. Flea Markets. Flea markets shall not be permitted as a year round use.
11. Broadcasting Devices Prohibited. Devices for the transmission or broadcasting of audible voice or music sounds, such as a public address system, bells or tone devices, shall be prohibited outside of any building.

4.39 RADIO, TELEVISION AND OTHER COMMUNICATIONS TOWERS

The following regulations shall apply to commercial and public radio and television towers, microwave towers, and other communication antennae/ towers:

1. Setbacks. Any such tower shall be set back from all property lines a minimum distance of fifty (50) feet greater than the height of the tower except in the case that the Planning Commission determines that a lesser setback is needed. The Planning Commission's determination shall be based upon engineering evidence provided by the applicant that the tower is self-collapsing. All guide wires, supports and anchors must adhere to district setback requirements.
2. Fencing. An open weave, eight (8) foot high chain link fence shall be constructed around the entire perimeter, in accordance with Section 5.20.
3. State and Federal Regulations. Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws..
4. Landscaping. The base of such towers shall be landscaped for screening in accordance with Section 5.11.

4.40 RECREATION FACILITIES

1. Campgrounds. Campgrounds for travel trailers, tents, tent-campers, and motor homes, shall comply with the following requirements:
   A. Setbacks. Buildings, structures, and areas designated for camping shall be located a minimum of one hundred (100) feet from all property lines. The storage of vehicles not set up for occupancy shall be located a minimum of two hundred (200) feet from all property lines, and shall be screened in accordance with Section 5.11, Landscaping and Screening.
   B. Minimum Campsite Size. Each campsite shall be at least two thousand (2,000) square feet in size for campsites designed to serve motor homes, trailers, etc. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.
   C. Utilities. Each campsite shall either be provided with individual electric and water hookups approved by the Livingston County Health Department, or shall have convenient access to approved service buildings. Sewer hook-ups are optional.
   D. Minimum Parcel Size. A campground shall have a minimum of twenty (20) acres.
   E. Temporary Residency. Campgrounds shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.
   F. Accessory Use. Accessory uses shall include but not be limited to rental cabins and trailers, swimming docks, and game rooms.
2. Commercial Outdoor Recreation Facilities. Outdoor recreation facilities, such as, but not limited to recreational fields, rinks or courts, including football, softball, soccer, tennis basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, music concert pavilions and band shells, amusement parks and uses accessory to the above uses, such as

refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, shall comply with the following regulations:

A. Setbacks. Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines, unless otherwise specified herein.

B. Access. Outdoor recreation uses shall have direct access onto a major thoroughfare unless accessed by a service drive, marginal access road, or shared commercial driveway.

C. Impact on Surrounding Properties. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.

D. Nuisance Impacts. Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired. The site shall be periodically cleared of debris.

E. Parking. All parking for outdoor recreation uses shall be provided in off-street parking lots, designed in accordance with Section 5.8, Off-Street Parking Requirements and set back a minimum of forty (40) feet from any residential district.

F. Screening. Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with Sections 5.11, Landscaping and Screening and 5.20, Walls and Fences.

G. Accessory Facilities. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

3. Off-Road Vehicle and Snowmobile Trails, Outdoor Gun Ranges, and Auto Racing Tracks. Courses or trails for off-road vehicles, snowmobiles, gun ranges or similar use shall comply with the following regulations:

A. Minimum Parcel Size. A minimum of eighty (80) acres shall be required for such uses or other size parcel deemed appropriate for the proposed use by the Planning Commission.

B. Location. The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.

C. Operations Plan. The applicant shall provide an operations plan clearly outlining the types, location and intensity of uses approved by the Planning Commission. The Planning Commission may regulate the operation and hours of activity to minimize any adverse effects on adjacent properties.

4. Private Institutional or Community Recreation Facilities and Athletic Clubs.

A. Enclosure. Outdoor swimming pools in single family districts shall be enclosed within a six (6) foot high fence. All fences shall be subject to the requirements in Section 5.20, Walls and Fences. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available for children to open. Gates shall be securely locked when the pool is not in use.

B. Setbacks. Swimming pools in single family districts shall be setback at least 100 feet from any property line that abuts a residential district. In all other districts swimming pools shall be set back a minimum distance of sixty (60) feet from all property lines.

C. Swimming Pool Clubs. Swimming pool clubs in residential districts shall be incorporated as non-profit organizations, and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another clearly-defined geographic area as specified in the club's articles of incorporation.

D. Site. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.

E. Landscaping. Front, side and rear yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

F. Parking. Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances where it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to site plan review, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases where the proposed use or organization does not have by-laws or formal memberships, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.

G. Other Standards. Swimming pools shall meet the standards of Section 5.14, Accessory Uses and Structures all applicable building and health codes.

5. Indoor Recreation Facilities. Indoor recreation facilities, such as, but not limited to, bowling establishments, fitness centers, indoor archery ranges, indoor firearms ranges, indoor tennis courts, indoor skating rinks, arcades, indoor driving ranges, and similar indoor recreation uses shall comply with the following regulations:

A. Setbacks. Indoor recreation uses shall be set back a minimum of seventy-five (75) feet from any property line which abuts a residential district.

B. Adverse Impacts. The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.

C. Buildings. All uses shall be conducted completely within a fully enclosed building. The buildings shall be sound-proof and consistent with the Township Noise Abatement Ordinance.

D. Access. Indoor recreation uses shall have direct access onto a major thoroughfare unless accessed by a service drive, marginal access road, or shared commercial driveway.

6. Driving Ranges

A. Minimum Dimensions and Setbacks. Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be set back at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines. No netting to prevent the flight of golf balls shall be permitted along any side lot line.

B. Screening or Slopes. The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in Section 5.11, Landscaping and Screening. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

C. Special Use Requirements for Outdoor Recreation Facilities. Driving ranges shall comply with the requirements under Section 4.40, Outdoor Recreation Facilities.

D. Lighting. All lighting shall be in accordance with Section 5.13, Lighting.

4.41 ROADSIDE STANDS

The following regulations shall apply to all Roadside Stands, as defined in Section 2.2, Definitions:

1. Use. Each farm may have a maximum of one (1) seasonal roadside stand, and all produce or products for sale shall be grown on the premises or be made from produce grown on the premises.

2. Building Size. Any roadside stand shall not be greater than two hundred fifty (250) square feet in size, nor shall it have more than one (1) story. The stand shall be of portable

construction, permitting it to be removed from its roadside location during seasons when it is not in use.

3. Site Maintenance. Suitable trash containers shall be placed on the premises for public use. Adequate provisions shall be made for waste collection and removal. Plant and vegetable waste shall be removed daily so that it does not rot or cause odors. Litter shall be picked up and disposed of daily. Crates and equipment shall be stored out of view.
4. Building Setbacks. Any building containing a roadside stand shall be located no closer than forty-five (45) feet to the nearest edge of the improved public or private road.
5. Parking. Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Section 5.8, Off-Street Parking Requirements except that hard-surfacing shall not be required. Parking maneuvering shall not conflict with traffic flow on the road.
6. Signs. Signs used in connection with the roadside stand shall be temporary, and shall be removed when the stand is not in use. No sign shall be placed within a public right-of-way and shall meet clear vision requirements.

4.42 SCHOOLS, PUBLIC/PRIVATE/PAROCHIAL

Public, private and parochial elementary, intermediate or high schools licensed by the State of Michigan to offer courses are permitted subject to the following conditions:

1. The minimum lot or parcel width shall be three hundred (300) feet.
2. The minimum lot or parcel area shall be:
   A. ten (10) acres for elementary schools
   B. twenty (20) acres for intermediate schools
   C. forty (40) acres for high schools
3. The lot or parcel location shall be such that at least one (1) property line abuts a collector road or arterial road. All ingress and egress shall be directly onto said roads.

4.43 STABLES AND RIDING ARENAS

1. Public Stables. Public stables, as defined in this Ordinance, shall comply with the following:
   A. Minimum Size. Public stables shall have a minimum of one (1) acre per animal, but in no event shall there be less than twenty (20) acres.
   B. Setbacks. All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line, except that horses may be pastured no closer to the road than the front setback line or the front of the house, whichever is greater, unless otherwise permitted by the Planning Commission.
   C. Maintenance. All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.
3. Riding Arenas. Riding arenas may be permitted as an accessory use in the CA District subject to the following requirements:
   A. Minimum Size. Riding arenas shall have a minimum of one (1) acre per animal, but in no event shall there be less than ten (10) acres.
   B. Private Use. Riding arenas shall not be open to the general public. Accordingly, grandstands and other public facilities shall be prohibited. However, observation platforms or similar viewing facilities are permitted.
   C. Setbacks. The riding arena shall be located at least one hundred (100) feet from any property line. Outdoor tracks shall be permitted provided they are setback at least fifty (50) feet from any property line. All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line.
   D. Maximum Height. Riding arenas shall comply with the height requirements for the district in which they are located.
   E. Maintenance. Riding arenas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

F. Permitted Use. Riding arenas shall be used for no other purpose except for riding, exercising, and training of horses. Riding arenas may contain stables.

G. Approval Criteria. The Planning Commission shall determine that all of the following criteria will be met prior to approving the plans for a riding arena:

i. All requirements set forth in this sub-section will be complied with.

ii. The arena will be for private use only for riding horses that are permanently stabled on the same property.

iii. No living quarters will be located in the arena building.

iv. The arena will be compatible in terms of appearance and function with surrounding land uses.

v. The arena is not likely to negatively affect the value of other property in the area in which it is located.

4. Stables for Breeding and Training Horses. Stables which are used solely for breeding and training horses and which do not satisfy the definition of "private or public stable" or "riding arena" shall be considered bona fide farms, as defined in Section 2.2, and shall be subject to the regulations applicable to farms.

4.44 TRUCK STOPS

Truck stops shall be subject to the following regulations:

1. Minimum Lot Size and Width. Minimum lot size shall be five (5) acres. Minimum lot width shall be 300 feet.
2. Location. No such site shall abut residentially zoned property.
3. Parking. Adequate parking and maneuvering area shall be provided for truck layover, truck scales and stacking at fuel islands.
4. Ingress and Egress. Ingress and egress drives shall be a minimum of thirty six (36) feet in width. No more than one (1) such drive or curb opening shall be permitted for every one hundred fifty (150) feet of frontage (or fraction thereof) along any street. No such entrance or exit drive shall face any property zoned or used for residential purposes.
5. Layout. All lubrication equipment, vehicle wash equipment, and repair facilities shall be enclosed entirely within a building. Fuel 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. Service bay doors and windows shall be oriented so that they do not face onto adjacent thoroughfares unless screened by landscaping.
6. Outside Storage. Outside storage of inoperable, wrecked or partially dismantled vehicles or parts salvage is prohibited. Disabled vehicles shall be removed from the site within two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than is not less than six (6) feet in height. Outdoor storage of truck or automotive parts or supplies is prohibited. Outdoor display or storage of food, beverages, seasonal supplies (such as hunting or fishing supplies), and similar retail items is also prohibited.
7. Vehicle Sales and Storage. The storage, sales, or rental of new or used trucks, trailers, and any other vehicles on the premises is prohibited.
8. Groundwater Protection. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe 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, as approved by the Fire Department.

4.45 VETERINARY CLINICS

Veterinary clinics shall comply with the following requirements:

1. Small Animal Clinics. All activities shall be conducted within a completely enclosed building. If the small animal clinic does not include outdoor kennels, animal runs or exercise areas, the setbacks of the district for principal buildings shall apply. Outdoor animal runs and kennels shall meet the setback requirements for kennels.
2. Large Animal Clinics.

A. Range of Services. The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.

B. Accessory Office Uses. Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.

C. Setbacks. All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building to be used by the public.

D. Maintenance. All stables and treatment areas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be removed from the premises or spread and cultivated so as not to be a nuisance and to control odors and flies.

E. Setback of Stable or Paddock. No stable or confined paddock area shall be located nearer than one hundred (100) feet to any property line. Horses and livestock may, however, be pastured to the property line provided the pasture is properly fenced.

4.46 SHOPPING CENTERS AND OTHER BUILDINGS OVER 60,000 SQUARE FEET

The following regulations shall apply to all shopping centers and buildings over 60,000 square feet:

1. Setbacks:

   A. Front: All principal and accessory buildings, and parking stalls and internal vehicular circulation aisles shall have a minimum front yard setback of 80 feet or as otherwise required by this Ordinance.

   B. Side: All principal and accessory buildings, and parking stalls and vehicular circulation aisles (when parallel to the side lot line) shall have a minimum side yard setback of 50 feet where a side lot line abuts land zoned, used or planned for residential purposes. Where a side lot line abuts land zoned, used or planned for non-residential purposes, the minimum side yard setback for the GC District per Section 3.1.12.D of this Ordinance shall apply. The Planning Commission may reduce the minimum side yard setback when the side lot line is an internal boundary within a multiple-tenant/ multiple-building shopping center. The applicable minimum side yard setback as approved by the Township shall be clearly noted on the approved site plan.

   C. Rear: All principal and accessory buildings shall have a minimum rear yard setback of fifty (50) feet. All parking stalls and vehicular circulation aisles shall have a minimum rear yard setback of thirty (30) feet. The Planning Commission may reduce the minimum rear yard setbacks when the rear lot line is an internal boundary within a multiple-tenant/multiple-building shopping center. The applicable minimum rear yard setback as approved the Township shall be clearly noted on the approved site plan.

2. Screening: Screening of the site, mechanical units, and loading areas shall be provided as follows:

   A. Screen Buffer. A screen buffer shall be required as part of the development wherever a shopping center or other building over 60,000 square feet abuts land zoned or used for residential use. The screening is intended to completely obscure the view of building(s), vehicular areas and other features of the commercial development from view by adjacent non-commercial properties, and to muffle sound and to provide a physical barrier to discourage trespass of people and objects, including trash and debris, onto the adjacent properties. In lieu of the screening requirements set forth in Section 5.11, Landscaping and Screening the following screening requirements shall apply:

      i. The minimum width of the buffer shall be 20 feet.

      ii. The buffer shall be provided wherever features of the development, such as the building(s), parking area, loading area, or other similar feature, are between or abut land zoned or used for residential use.

      iii. A combination of deciduous and evergreen trees shall be provided in a non-uniform fashion across the full length and width of the buffer for visual screening. Deciduous trees shall be a minimum of three (3) inch caliper. Evergreen trees shall have a variety of heights, with fifty (50) percent being a minimum of six feet in height, thirty (30) percent being a minimum of eight (8) feet in height and twenty (20) percent being ten (10) feet or greater in height. All sizes are at time of planting. Trees shall be spaced 15 feet on center. Trees shall be provided, and spaced, to form a solid screen within three years of planting.

iv. Use of walls and berming is encouraged. When used, walls shall be faced with solid masonry materials and be consistent with the style and materials of the principal building. The same material(s) shall be used on both sides of the wall. When used, berms shall have a natural shape, being free-forming and undulating as much as possible.

B. Screening of Mechanical Units: Any mechanical unit located on the roof of a building shall comply with the screening requirements set forth in the footnotes to the Schedule of Regulations of this Ordinance. However, a parapet wall or similar architectural feature shall be required if such units must be screened. All ground mechanical units shall be concealed from view by solid masonry walls consistent with the predominant material of the building, or live plant materials that completely obscure the units. Ground mechanical units shall be located in safe, convenient and unobtrusive locations and adequately protected from vehicles.

C. Loading Areas. When any loading area is visible from customer or general parking areas, or visible from a public or private road, or adjacent to land that is zoned or used for non-commercial uses, the loading area shall be enclosed with a solid masonry wall or live plant materials forming a solid screen a minimum of six feet in height. The wall shall be integrally designed with and consistent with the style and materials of the building.

3. Off-Street Parking Amounts and Design.

A. The amount of off-street parking provided shall not exceed the minimum amount required by Section 5.8, Off-Street Parking Requirements. Use of the "Deferred parking" option detailed in Section 5.8.2.F is encouraged, with initial provision of 1 parking space per 250 square feet of useable floor area preferred. If the deferred parking option is used, deferred spaces may not be installed until one year has lapsed from the time the certificate of occupancy was issued. The Planning Commission may approve, in accordance with the procedures for a minor change to an approved site plan as set forth in Section 6.1.10, Modifications to an Approved Site Plan additional parking spaces beyond the minimum amount required by Section 5.8, Off-Street Parking Requirements after two years have lapsed from the time a certificate of occupancy was issued upon demonstration that the amount of approved parking is insufficient to meet the average parking demands of the use(s) of a typical day.

B. No row of parking stalls may exceed 25 spaces when located in the middle of a parking lot. No row of parking stalls may exceed 30 spaces when located on the perimeter of a parking lot and abutting a landscaped area, buffer or greenbelt. A landscape island, consistent with the standards per Section 5.11, shall be used to break rows of parking stalls even if the number and area of landscape islands necessary is thus increased beyond the minimum required per Section 5.11.

C. The primary circulation route(s) within the development must be designed for limited access. The number of parking stalls which back directly onto the primary circulation route(s) shall be minimized.

4. Pedestrian Circulation:

A. A continuous internal pedestrian walkway, no less than 5 feet in width at any point and no less than 7 feet in width where abutting parking stalls, shall be provided from the public sidewalk along the right-of-way to the primary customer entrance of all individual retail units on the site. The walkway shall be separated from abutting parking stalls by a 6- inch curb or by landscape area, and crossings of driveways and internal vehicle circulation routes must be clearly marked.

B. A sidewalk no less than 10 feet in width, 5 feet of which shall be unobstructed along its the entire length, shall be provided across the full length of the building along any façade featuring a customer entrance. Awnings and other coverings of this walkway are encouraged, particularly at passenger loading points.

5. Landscaping: In addition to the provisions of Section 5.11 of this Ordinance, the following shall be provided:

A. A minimum of 2 square feet in area for each 1 foot of linear building facade shall be provided for each side of a principal building with a customer entrance. These front planting area(s) shall be provided along, the foundation or in close proximity to the building wall. The front planting area

(s) shall be spread across the full width of the building but need not be continuous.

B. The front planting area(s) shall be planted with deciduous, evergreen, and ornamental trees, flowering shrubs and perennial flowers so that the entire front planting area contains live plant materials.

C. The size, species and number of live plant materials shall be provided to result in reducing the massing of the shopping center or building over 60,000 square feet. Deciduous and evergreen trees should be used as additional vertical elements to break up long expanses of building facades along with the variation in architectural elements set forth in Section 5.24. Raised beds containing flowering shrubs and perennial flowers should also be used to reduce the apparent height and width of the buildings.

6. Stormwater Basins: Stormwater management shall be provided as otherwise required, however, surface basins shall incorporate the following:

A. Basins shall have a natural, free-form shape, following existing natural topography to the greatest extent possible. If the site is generally flat, the basin shall be shaped to emulate a naturally formed depression. The basin should be a natural shape, and not square, rectangle or other geometric shape. Side slopes should be varied and undulating, rather than having a uniform grade.

B. Trees, shrubs and grasses suitable to wet environments shall be provided surrounding and within basins and integrated into the overall design. Plants shall be provided in groupings and non-uniform patterns rather than regular spacing. Plants should be native species and tolerant of the anticipated conditions (i.e. permanent water, infrequent inundation, etc.)

C. If the topography is such that a basin may be located in the front, side and/or rear of a site, the basin shall be located in the front or side of a site such that it is made an amenity of the site. As such, the basin should have green or brown outlet structures rather than an unfinished metal appearance. Where a basin is designed to have permanent water, a fountain or other water feature may be used.

D. Basins with side slopes that require fencing are prohibited in front or side yards. When a rear yard basin requires a fence, the fence shall be a decorative style. Chain link fence is prohibited in any circumstance.

E. Wherever possible, the stormwater collection system may include bioswales, rain gardens, and other features that allow run-off water to flow through vegetation prior to entering the stormwater management system. Oil and sediment filters, and other best management practices to control the quality of water entering the system may also be used wherever possible.

7. Accessory Functions:

A. Cart Corrals. Shopping cart corrals provided in parking areas shall be designed as an integral part of a parking lot landscape island(s). The cart corral area shall be a maximum of 10 feet in width and up to 40 feet in depth (generally the size of 2 back-to-back parking stalls). The cart corral area shall be flanked on each side by a landscape area a minimum of 8 feet in width and extending the full depth of the cart corral, and have a minimum 6-inch concrete curb to contain the carts between the landscape areas. Raised or depressed pavement may be used at the open end(s) of the cart corral to contain carts within. Plantings shall be provided within the landscape areas and shall include trees and hedges sufficient to obscure view of stored carts to a height of 3 feet. The landscape areas may count towards interior parking lot landscape requirements. No additional structures shall be permitted for storage of shopping carts in parking areas.

B. Storage of Carts. Outdoor storage of customer shopping carts shall be located adjacent to the building and screened by a wall a minimum of four feet in height to screen the carts from view. The exterior of the screen wall shall be treated consistently with the dominant material and design of the building.

C. Outdoor/Open Air Display and Sales Areas. Outdoor or open air display and sales areas (i.e. garden centers or seasonal product sales) shall be shown on a site plan and shall be reviewed and approved as part of the proposed development. Such outdoor

or open air areas shall be screened by a wall a minimum of four feet in height, on top of which may be black decorative metal fencing, sufficient to buffer the view of materials displayed or stored within that area, and regularly spaced columns consistent with the dominant material and design of the building. The exterior of the screen wall shall be treated consistently with the dominant material and design of the building. No merchandise, products or services may be stored, displayed or sold from any area of the site other than an enclosed building or designated outdoor/ open air area. Merchandise and displays are specifically prohibited from the parking lot and sidewalks, including sidewalks abutting a building.

D. Fuel Kiosk. Where permitted as a principal use or by special approval, and where separate special approval has been granted as applicable, the following shall apply to fuel kiosk-type automobile service stations instead of the requirements set forth in Section 4.16. A fuel kiosk-type station is defined as an automobile service station operated by a principal commercial tenant in the shopping center or building over 60,000 square feet that only dispenses fuel and does not have a service garage, convenience store, car wash or other use typically associated with a full service automobile service station.

i. The fueling station operator shall be a principal commercial tenant in the shopping center or building over 60,000 square feet.

ii. A maximum of four pumps may be provided. A single pump may be able to serve up to two vehicles simultaneously.

iii. No additional goods or services may be provided at the kiosk or pumps, including service or repair facilities, such as tire, battery, or muffler shops; car washes; vending machines; and convenience stores.

iv. One building may be permitted, up to one hundred (100) square feet in size, for the purpose of sheltering an attendant. This building shall be designed in the same architectural style and be finished with the same dominant material as the principal buildings on the site.

v. The fuel kiosks and pumps, including canopy and any other structure associated with the fuel function, shall be located a minimum of 100 hundred feet from lot line which abuts land zoned, planned or used for residential purposes. The canopy support columns and fascia materials shall be consistent with and complimentary to the architectural design and materials of the principal buildings. No lighting fixtures shall be permitted on the exterior surfaces, outside or above the canopy.

vi. Access to the fuel kiosk shall be from the shopping center and, further, the primary route to the fuel kiosk shall be of limited-access, with a minimal amount of parking stalls backing directly onto the route leading to and from the fuel kiosk. Access from the public road solely for the purposes of entry and/or exit to the fuel kiosk is prohibited.

vii. The fuel kiosk area shall be provided with landscape areas, and have live plant materials, as set forth in Section 5.11, Off-Street Parking Requirements.

E. Drive-through Windows – A shopping center or building over 60,000 square feet may include a drive-through window for a pharmacy, bank or similar use subject to the following:

i. The window shall be located on the side or rear of the building.

ii. The window shall not be located or designed so that entering vehicles cross paths with exiting vehicles of the window. Nor shall the window be located or designed so that vehicles using the window cross paths with vehicles which are not using the window.

iii. Devises for the transmission of voices shall be directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

iv. Stacking space and lanes shall be provided as specified in Section 5.8, Off-Street Parking Requirements.

4.47 OUTDOOR SEATING AND DINING

The following regulations shall apply to all outdoor seating and dining areas:

1. Applicable Establishments. Outdoor seating and dining areas shall be allowed at restaurants, bars, taverns, coffee shops, cafes, bistros, bakeries, delicatessens, specialty food stores, and or similar establishments.
2. Standards
   A. Location. All outdoor seating and dining areas shall be located immediately adjacent to the establishment with which it is associated. Outdoor seating and dining areas shall not encroach upon any public right-of-way. A minimum of five (5) feet of sidewalk shall be maintained free of tables and other encumbrances.
   B. Defined Area. If alcoholic beverages are to be served, outdoor seating and dining areas must be enclosed by a barrier a minimum of three and a half (3.5) feet above the ground. The barrier must be decorative and cannot restrict visibility in or out of the area. The barrier may be constructed of permanent or temporary materials that are compatible with the architectural character of the main establishment, subject to approval by the Planning Commission. The required barrier must meet all current fire codes, subject to review and approval of the Fire Marshal and must conform to current Michigan Liquor Control Commission Rules and Regulations.
   C. Capacity. Outdoor seating and dining areas shall not exceed twenty-five percent (25%) of the total seating for the establishment.
   D. Screening. Appropriate screening or fencing complimentary and aesthetically pleasing to the site shall be provided as determined necessary by the Planning Commission.
   E. Pedestrian Circulation. The seating arrangement of outdoor seating and dining areas must comply with the State of Michigan Building Code and is subject to review and approval by the Hartland Township Fire Marshal.
   F. Parking Spaces. No additional parking spaces are required to accommodate outdoor seating and dining areas.
   G. Furniture. Tables, chairs, table umbrellas, railings, planters, posts, and other items shall be of quality design, materials, and workmanship to ensure safety and convenience of users and to enhance the visual and aesthetic quality of the area. All furniture must be made primarily of wood, metal, or a material of comparable quality.
   H. Waste Disposal. Appropriate waste disposal containers shall be provided for the convenience and sanitary disposal of garbage or waste within and around outdoor seating and dining areas. Containers shall be complimentary to the style of the provided furniture.
3. Operating Restrictions
   A. Hours of Operation. All outdoor seating and dining areas shall be allowed to operate until 10:00 p.m. Sunday through Thursday and until 11:00 p.m. Friday and Saturday. All activities shall cease by the required times.
   B. Season of Operation. All outdoor seating and dining areas shall be allowed to operate from April 1st through November 15th of a given year.
   C. Furniture Storage. During the off-season, from November 16th to March 31st of a given year, all tables, chairs, table umbrellas, railings, planters, posts, and other items not fastened to the ground shall be removed and shall not be stored outside. It shall be the responsibility of the establishment to secure adequate storage of these items.
   D. Lighting. Additional lighting on the property shall be designed and erected in accordance with Section 5.13, Lighting of the Zoning Ordinance. Lighting shall be reviewed and approved by the Planning Commission.
   E. Noise. No music, intercom, or other noise shall be permitted that impacts adjacent properties in accordance with the Township's Nuisance Ordinance.
   F. Patron Entrance and Exit. Patron entrance and exit from the enclosed outdoor seating and dining areas at establishments serving alcohol may only occur through the main establishment or an approved fire exit, as determined by the Fire Marshal. The approved fire exit shall have an alarm to alert the establishment in the event of unauthorized use when no emergency exists.

G. Food and Beverage Service. All food and beverages shall be prepared within the main establishment. The service of alcoholic beverages is subject to the current Michigan Liquor Control Commission Rules and Regulations.

H. Display and Advertising. No outdoor seating or dining area may be used for the display or location of merchandise, advertising materials or signage. No permitted canopy, awning or umbrella shall contain advertising material or signage, except umbrellas shall be permitted to include the name of the business and/or logo located at the outer edge of the fabric with a maximum width of six (6) inches.

4.48 RURAL OPEN SPACE DEVELOPMENT OPTION

Open Space developments may be approved in the CA and RUR Districts, subject to the standards and review procedures set forth herein.

1. Purpose and Intent. The purpose of the Open Space option is to preserve the Township's rural character and encourage the preservation of agricultural lands. The regulations in this section propose to accomplish this purpose by providing for grouping of new homes onto the most buildable portions of a site so that the remainder of the site can be preserved as open space or for agricultural use. The regulations in this section are also intended to accomplish the following purposes, at minimum:

   A. Preservation of natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.

   B. A higher quality of development than could be achieved under conventional zoning.

   C. Development that is consistent with the Hartland Township Comprehensive Plan.

   D. Preservation of natural vegetation and terrain, where possible.

2. Special Use. Open Space development shall be a special use in the CA and RUR Districts and subject to the approval process and provisions of Section 6.6, Special Land Use. Prior to review of the special use application, the applicant shall submit a site features inventory to the Planning Commission. The inventory shall consist of maps and written analysis which shall identify, describe and quantify the following features, at minimum: topography at two-foot contour intervals in the area within one hundred (100) feet of residential lots, water courses, drainage patterns, wildlife habitats, streets and rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings), vistas, wetlands, floodplains, woodlands and tree lines, rare and endangered species habitats, and any additional features uniquely affecting the site. The Planning Commission may require the applicant to submit an alternate plan that shows how the site could be developed under conventional zoning.

3. Parcel Size, Density and Lot Size. The overall density of residential uses in an Open Space development shall not exceed one (1) unit per two (2) acres of parcel area.

   A. Modifications permitted under the Open Space option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.

   B. Public right-of-way and easements for private roads or utilities shall not be calculated as open space.

4. Dimensional Standards

   A. Setbacks. Buildings in Open Space developments shall comply with the following minimum yard setback requirements:

4.48.4.A Setbacks for Open Space Developments

	Minimum Setback
Along site perimeter ▪ Adjacent to public road ▪ Not adjacent to a road	50 ft. 35 ft
Along an internal collector or local road	40 ft.
Between parking lot and property line ▪ Adjacent to road ▪ Not fronting on road	50 ft. 20 ft
Setback from the shoreline of lakes, ponds, rivers, streams *	75 ft.

*Docks, bulkheads, patios, terraces, decks and pathways shall be permitted within the 75 foot waterfront setback, subject to review and approval by the Township.

B. Parcel and Lot Size.

i. The minimum parcel size for the overall Open Space development shall be twenty (20) acres.

ii. Residential dwelling units served by individual septic systems shall have a minimum lot size of 28,000 sq. ft., unless a larger lot size is recommended by the Livingston County Health Department to satisfy the need for reserve septic fields.

C. Distances between Buildings. Buildings in Open Space developments shall comply with the following minimum spacing requirements:

i. Any detached single family structure (or accessory structure) shall be located at least forty (40) feet from any other detached single family structure (or accessory structure).

ii. The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for emergency vehicle access, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.

D. Floor Area and Height Standards. Buildings in a Open Space development shall comply with the floor area and height standards for the CA and RUR Districts.

5. Open Space Requirements. Open Space developments shall provide and maintain usable open space that is accessible to all residents or that is dedicated to continued agricultural use, which shall comply with the following requirements:

A. Open Space developments shall set aside a minimum of 65% of the total parcel area in common open space.

B. Open space shall be located on the parcel to meet the following objectives:

i. To preserve distinctive natural features and rural characteristics.

ii. To preserve farm lands.

iii. To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.

iv. To maintain open, rural character along main roads.

C. No more than fifteen percent (15%) of the required open space shall be used for active, developed recreation facilities, such as swimming pools, tennis courts, etc.

D. Any pervious land area may be included as required open space, except the following: the area of any public or private road; the area of any easement providing access to the site; the area of any commercial recreation use (such as a golf course); or the area of any required setbacks.

E. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions and covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the site plan. Such conveyance shall:

i. Indicate the proposed allowable use(s) of the required open space.

ii. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.

iii. Provide maintenance standards and a maintenance schedule.

iv. Provide notice of possible assessment to the private property owners by Hartland Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance or in the event that other public facilities are not maintained.

v. Be recorded with the Livingston County Register of Deeds to provide record notice of the restrictions to all persons having an interest in the property contained in the Open Space development.

F. Provisions for redevelopment of the open space may be provided for in the conveyance document.

6. Building Location. Where feasible, Open Space developments shall comply with the following

building location requirements. Modification to these locational requirements may be approved by the Township as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.

A. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields unless no other feasible option exists.

B. Buildings shall not be located on the tops of ridge lines or in areas with slopes that exceed 35 percent (35%).

C. Buildings shall not be located in wetlands or floodplains.

D. Building shall be set back as far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.

7. Stormwater Management

A. Existing natural drainage shall be maintained to the maximum extent feasible.

B. Where stormwater management facilities are required, they shall be designed in as small an area as possible. The ratio of the basin's area to volume shall be minimized.

C. Retention or detention basins, where required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.

8. Landscaping and Lawns

A. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.

B. Where landscaping is proposed, native species shall be used. Appropriate native species shall be based on a list kept on file at the Township Hall which may be updated from time-to-time.

9. Existing Structures

A. When a tract contains existing structures deemed to be of historic, cultural or architectural significance (such as farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.

B. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

4.49 RESERVED

4.50 MODEL HOMES AND MODEL MOBILE HOMES

1. Model homes in platted subdivisions or condominium developments shall comply with the following standards:

A. Permitted Use. The model home shall be used solely as a sales and promotion office for the subdivision or condominium in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other subdivisions.

B. Termination. Use of the home for sales and promotion shall cease as soon as all lots in the subdivision or condominium are sold to potential end users within two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Prior to expiration of the initial or subsequent approvals, the applicant may seek a one (1) year extension from the Planning Commission.

C. Appearance. The model home and site shall be maintained to look like a typical single family dwelling at all times.

D. Parking. A minimum of two (2) temporary paved off-street parking spaces shall be provided per employee in accordance with Section 5.8, Off-Street Parking Requirements. Parking spaces located in the front yard shall be removed and landscaped at or before terminating the model home's use.

E. Maximum Number of Model Homes. The maximum number of model homes in a subdivision or condominium shall be four (4).

2. Model houses in mobile home parks shall comply with Section 4.50.A-D, above except that the maximum number of model homes shall be eight (8).

4.51 LAWFUL USE OF A STRUCTURE AS A DWELLING UNIT

1. Incompletely Constructed Structures. Any incompletely constructed structure which does not meet the requirements of the Livingston County Building Code or this Ordinance shall not be used as a dwelling. For the purposes of this Section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. The restrictions shall not prevent temporary use of a structure as a residence in accordance with Section 4.3, Temporary Structures Used for Dwelling Purposes.
2. Caretaker Residence. Except as otherwise specifically provided herein, no dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman or caretaker. Any such living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and one other person.

4.52 RESERVED

4.53 INSTITUTIONS OF HIGHER LEARNING

In the MR District, such institutions are subject to a minimum site size of forty (40) acres, and minimum building setback of eighty (80) feet.

4.54 RESERVED

4.55 MOBILE HOME PARKS

1. Site Plan Review. Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission, pursuant to Section 6.1, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan
2. Compliance with applicable laws. Mobile home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, Act 96 of 1987, as amended, and the Mobile Home Commission Rules. All structures and utilities to be constructed, altered, or repaired in a mobile home park shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development and the Mobile Home Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a mobile home built prior to June 15, 1976 shall have been constructed to the State of Michigan Standards in effect at that time. All structures and improvements to be constructed or made under the County Building Code shall have a building permit issued therefore by the County Building Inspector
3. Dimensional Requirements. Mobile homes shall comply with the following minimum distances and setbacks:
   A. Twenty (20) feet from any part of an adjacent mobile home.
   B. Ten (10) feet from any on-site parking space of an adjacent mobile home site.
   C. Ten (10) feet from any accessory attached or detached structure of an adjacent mobile home.
   D. Fifty (50) feet from any permanent building.
   E. One hundred (100) feet from any baseball, softball, or similar recreational field.
   F. Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Mobile homes and other structures in the MR-2 District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road with the mobile home park.
   G. Seven (7) feet from any parking bay.
   H. Seven (7) feet from a common pedestrian walkway.
   I. All mobile homes and accessory buildings shall be set back not less than fifty (50) feet from any park boundary line, including the future right-of-way line of abutting streets and highways.

J. Forty (40) feet from the edge of any railroad right-of-way

4. Accessory Buildings and Facilities

A. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only.

B. All buildings constructed on-site within a mobile home park shall be constructed in compliance with the Livingston County Building Codes and shall require all applicable permits. Any addition to a mobile home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the Livingston County Building Codes. Site plan approval shall be required prior to construction of any on-site building within a mobile home park, except for storage sheds or garages for individual mobile homes.

C. Each mobile home shall be permitted one storage shed or garage not to exceed four hundred (400) square feet in area. The installation of any such shed or garage shall comply with codes and ordinances of Hartland Township and Livingston County and shall require a building permit. Storage underneath a mobile home or outside on any mobile home site is prohibited.

D. Travel trailers or recreational vehicles shall not be occupied as living quarters in a mobile home park

5. Open Space.

A. Open space shall be provided in any mobile home park in accordance with R125.1946, Rule 946 of the Michigan Administrative Code.

B. Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500 square foot minimum may be reduced by twenty (20) percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code

6. Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Mobile Home Commission Rules except as follows:

A. Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted on one side only, and 41 feet where parallel parking is permitted on both sides of the street.

B. One-way streets shall have a minimum width of 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted on one side only, and 33 feet where parallel parking is permitted on both sides of the street.

C. Cul-de-sacs, where proposed shall have a minimum radius of forty-five (45) feet, in accordance with current Livingston County Road Commission standards.

D. The main entrance to the park shall have paved access to a paved public major thoroughfare.

7. Sidewalks. Sidewalks having a minimum width of three (3) feet shall be provided along each side of the street upon which mobile home sites front.

8. Screening

A. All mobile home parks shall be screened from existing adjacent residential uses by either a six (6) foot wall or a densely planted landscaped greenbelt. A landscaped buffer shall be provided along the public road frontage of a mobile home park.

B. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

9. Canopies. Canopies and awnings may be attached to any mobile homes and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and

awnings shall comply with the setback and distance requirements set forth in this Article and shall require a building permit.

10. Land Use Permit Required. No mobile home shall be permitted to be placed in a mobile home park until a land use permit has been granted by the Township and a license has been issued by the Michigan Department of Commerce. No individual mobile home site shall be occupied until the required improvements, including utilities and access roads which serve the site are in place and are functioning. A Certificate of Occupancy issued by Livingston County shall be required prior to use of any buildings constructed on-site.
11. Mobile Home Sales. The business of selling new or used mobile homes as a commercial operation in connection with the operation of a mobile home park shall be prohibited. New or used mobile homes located on sites within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit such sale.
12. Prohibitions. No mobile home shall be used for any purpose other than as a single family dwelling except as otherwise provided in this ordinance.

4.56 MIXED USE BUILDINGS

No residential use shall be located on a floor below a commercial or office use.

4.57 FINANCIAL INSTITUTIONS WITH DRIVE-THROUGH SERVICE

A maximum of four drive-through service lanes, including any automatic teller drive-through lanes may be permitted. All drive-through facilities must be attached to the principal building by a canopy.

4.58 AUTOMOBILE FUELING AND CONVIENENCE STATION

The following regulations shall apply to Automobile Fueling and Convenience Stations:

1. Frontage. Such uses shall have access to and front upon a hard surface, major thoroughfare.
2. Minimum Lot Width. The minimum lot width required for such uses shall be 200 ft.
3. Minimum Setbacks. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Details on all lighting under the canopy shall be provided.
4. Ingress and Egress. Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy five (75) feet of frontage or fraction thereof, along any street. The nearest edge of any such drive shall be located at least twenty-five (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 vehicular or pedestrian entrances or crossings.
5. Layout. 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. Vehicle washing shall occur completely within an enclosed building. Doors/ openings shall be oriented so they face away from an abutting residential district, or adjacent thoroughfares unless screened.
6. Screening. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line consistent with the applicable standards of Sections 5.11 and 5.20. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.
7. Outdoor Storage. There shall be no outdoor storage or display, except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
8. Traffic Impact. An analysis of the traffic impacts shall be provided in conjunction with the site plan.

9. Lighting. A canopy is subject to lighting standards provided in Section 5.13 – Lighting.
10. Groundwater Protection . The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe 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, as approved by the Fire Department.

4.59 AUTOMOBILE REPAIR - MAJOR

The following regulations shall apply to Automobile Repair - Major facilities:

1. Repair Facility. All repair activities shall be conducted within a completed enclosed building. The facility shall be equipped with all necessary venting, filtration, storage and containment equipment to avoid any adverse effects on adjacent and neighboring areas. All activities shall be further conducted in such a manner as to minimize adverse impacts on adjacent and neighboring properties.
2. Outdoor Storage. Outdoor storage is permitted provided the storage area does not exceed twenty five percent (25%) of the gross floor area of the building, can be provided in the rear yard, and will not adversely affect the reasonable and proper development of the industrial district in which it is located, as determined by the Township. The outdoor storage area shall be screened with a wall and landscaping in accordance with the provisions of Section 5.11 and Section 5.20. No vehicle stored in such area should exceed the height of the wall and no vehicles shall be serviced in this area. This area shall not be used for the storage of parts or supplies. The maximum amount of time that a vehicle may be stored within this area while awaiting repair is sixty (60) days. No vehicle shall be allowed to discharge any fluids onto the ground.
3. Grades. Yards shall be graded in such a manner as to prevent the accumulation of surface water and shall not increase the natural runoff onto adjacent properties.
4. Vehicle Sales and Storage. The storage, sales, or rental of new or used cars, trucks, trailers, or any other vehicles on the premises is prohibited.
5. Groundwater Protection. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe 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, as approved by the Fire Department.

4.60 AUTOMOBILE REPAIR - MINOR

The following regulations shall apply to Automobile Repair – Minor facilities:

1. Layout. All lubrication equipment, automobile wash equipment, joists, and pits shall be enclosed entirely within a building. All repair and/or servicing activities shall be conducted within a completely enclosed building. Service bay doors and windows shall be oriented so they face away from abutting residential districts or adjacent thoroughfares unless screened.
2. Outdoor Display. There shall be no outdoor display of parts and/or products.
3. Outdoor Storage. The outside overnight parking of vehicles shall be limited to no more than one per service bay and shall be limited to only those vehicles which are to be repaired. There shall be not outdoor storage of partially dismantled, inoperable or unlicensed vehicles. There shall be no outdoor storage of new or discarded parts.
4. Screening. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line consistent with the applicable standards of Sections 5.11 and 5.20. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.
5. Groundwater Protection. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe 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, as approved by the Fire Department.

Article 5.0
Site Standards

Article 5.0 Site Standards

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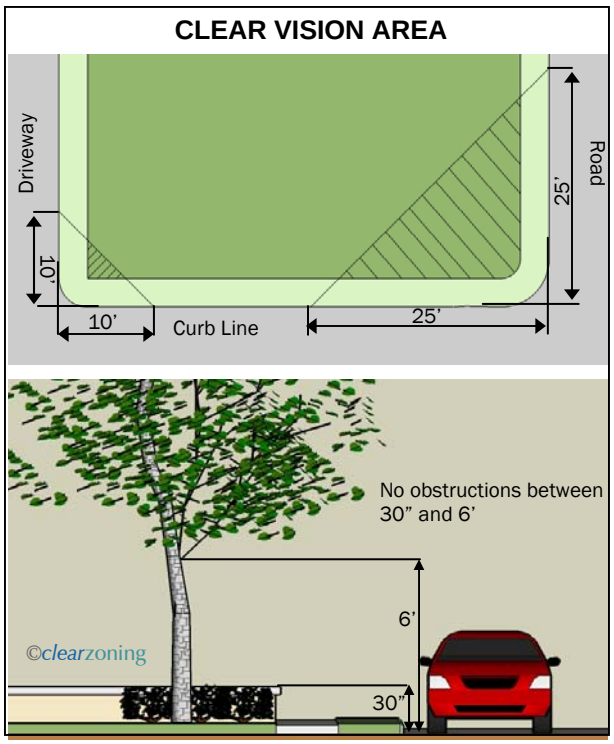
5.0 Site Standards

5.1 CLEAR VISION AREA

No structure, wall, fence or planting shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway (see Clear Vision Area diagram). Fences, walls, structures, or plantings located in the triangular area described below shall not obstruct vision between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting road(s).

1. Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the clear vision area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet to the edge of any driveway or road pavement within the triangular area.
2. The unobstructed triangular area is described as follows: the area formed at the corner intersection of two road right-of-way lines; the two (2) sides of the triangular area being twenty -five (25) feet in length measured along abutting road rights-of-way lines, and third side being a line connecting these two sides, or the area formed at the corner intersection of a road right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the road right -of-way line and edge of the line driveway, and the third side being a line connecting these two sides.



5.2 MINIMUM LOT FRONTAGE

1. All lots or parcels shall be created in accordance with the applicable provisions of this Ordinance, and shall have frontage on an improved public or private road, or shared driveway. Such frontage shall be maintained for the full required width of the lot or parcel in accordance with the minimum width specifications established in Section 3.1, Districts Established of this Ordinance. In no event shall a lot or parcel be created where access is provided solely by means of an unimproved easement. Private roads and shared driveways shall be reviewed and approved in accordance with the standards of Section 5.23 of this Ordinance. For a lot with access provided by a shared driveway, as permitted by Section 5.23, Private Road and Residential Driveway Standards, the front lot line shall be the lot line that most closely parallels the public or private road that intersects with the shared drive. The front line, for a lot served by a shared driveway, shall attain the minimum width required by this Ordinance.
2. Not more than four (4) lots shall front and have access on a single cul-de-sac terminating turning circle. Additionally, shared common access drives shall not be constructed to create access for more than four (4) dwellings on a single cul-de-sac terminating turning circle.

5.3 GRADING, REMOVAL AND FILLING OF LAND

1. Scope of Requirements. Any grading which changes site elevation by more than three (3) feet or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products shall not be permitted in any zoning district except in accordance with an approved site plan. Such plan shall be at an appropriate scale to show existing and proposed grades, topographic features and other pertinent data as required under this Ordinance for site plan approval. Plan approval may be conditioned upon the applicant's submission of a performance guarantee in a form and amount acceptable to the Township sufficient to rehabilitate the property upon default of the operator or such other reasonable expenses. This regulation shall not apply to normal soil removal for basement, drain fields, or foundation work

when land use permit has previously been duly issued by the Township, nor shall it be construed to prohibit site changes for farming purposes.

2. Grading Standards

A. Slope Away From Buildings. All buildings and structures shall be constructed at an elevation which provides a sloping grade 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.

B. Runoff Onto Adjacent Properties. New grades shall not be established that would permit an increase beyond the agricultural rate, in the runoff of surface water onto adjacent properties, except through established drainage courses.

C. Stockpiling. Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved excavation operation, approved construction project, approved use in an industrial district or on a farm as defined in this ordinance. Aside from these exceptions, all material brought onto a site in Hartland Township shall be graded to match the natural grade on adjoining parcels. These restrictions shall not be construed to prohibit MDEQ-monitored clean-up of contaminated soil.

D. Clean Fill. Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk, or waste.

E. Removal of Soil, Sand, Clay, Gravel and Similar Material by a Commercial Operation. Businesses engaged in the removal of soil, sand, clay, gravel, and similar materials, rather than the moving, grading, or leveling of soil, sand, clay, gravel or similar materials on a site for the purposes of preparing the site for building construction or another permitted use shall comply with the regulations set forth for such uses in Section 4.5, Removal of Soil, Sand or Other Materials.

F. Excavations or Holes. The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired from the Township, provided such excavations are properly protected with fencing, guard rails, and warning signs. This Section also shall not apply to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, County of Livingston, Township of Hartland, or other governmental agency.

5.4 SOIL EROSION

All development in Hartland Township except as may be exempted by Livingston County shall comply with the standards and specifications for soil erosion and sedimentation control as adopted by Livingston County.

5.5 FLOODPLAIN REGULATIONS

The specific location and boundaries of land(s) subject to periodic flooding shall be determined by reference to the State Coordinator, National Flood Insurance Program, Water Management Division, and the Michigan Department of Natural Resources. Any other provision of this Ordinance notwithstanding, land(s) subject to periodic flooding shall be utilized only in accordance with the construction requirements specified for the National Flood Insurance Program.

5.6 SHORELINE AND LAKE PROTECTION PROVISIONS

1. Intent and Purpose. In its deliberations leading to the adoption of these regulations, the Township has recognized and concluded that the use of water resources, including the inland lakes situated in the Township, should be considered within a framework of long term costs and benefits to the Township, and that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of the lakes in the Township. Moreover, it has been recognized that, as the shorelines of lakes become further developed or redeveloped, the cumulative impact of boat and other lake usage from further development or expansion of existing uses must be regulated in order to preserve and protect the rights of riparian owners as well as the Township as a whole, and is in the best interest of the public's health, safety and welfare to prevent and curtail the overcrowding of the lakes in the Township and to protect water quality and land resources related to lakes in the Township. It has further been recognized that the lack of regulation will

result in a nuisance condition and an impairment of these important and irreplaceable natural resources of the Township, and shall further result in the destruction of property values and threaten the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to lakes in the Township. Accordingly, it is the intent and purpose of this Section to provide reasonable regulations for use of waterfront properties in the Township. These regulations are also intended to reinforce the implementation of the Michigan Natural Resources and Environmental Protection Act 451 of 1994.

A. Scope and Applicability

i. The terms and provisions of this Section shall be interpreted as minimum standards and requirements for the promotion and protection of the public health, safety and welfare and for the public peace and preservation of natural resources and public and private property, and for the appropriate use and development of water frontage in the Township.

ii. This Section and the regulations contained herein are not intended to interfere with, abrogate, annul, nor repeal any other law, ordinance, governmental rule or regulation in effect, including any other ordinance regulating boat launching or usage. In instances where this Section provides for greater restrictions or higher standards than other ordinances, the provisions of this Section shall govern.

iii. This Section shall apply to:

a. Any lots, parcels, common elements, condominium units, dwelling units or any combination thereof, with water frontage, created or recorded after the effective date of this Section;

b. Any lots, parcels, common elements, condominium units, dwelling units or any combination thereof of record with water frontage existing prior to the effective date of this Section that did not have any common use lots providing common use access to a lake prior to the effective date of this Section;

c. Any lots, parcels, common elements, condominium units, dwelling units or any combination thereof that are otherwise defined as a common use lot by this Section but were not used to provide common use access to a lake prior to the effective date of this Section.

d. Any lots, parcels, common elements or condominium units, dwelling units or any combination thereof with water frontage that have been providing common use access to a lake for a defined geographical area or a specific number of lots, parcels, condominium units or dwelling units through an association or subdivision/condominium deed, grant, reservation, covenant, or other recorded instrument prior to the effective date of these regulations, and where an expansion is proposed to the geographical area, number of lots or persons that are provided common use access to a lake through said common use lot; and

e. Repair or replacement of improvement(s) such as, but not limited to docks, boat launches and beaches, but only when the repair or replacement results in an enlargement to the improvement (s), in an increase to the geographical area served by the improvements or an increase in the number of lots or persons served by the improvement(s) for access to a lake, recreational site, boat launching site docking area or marina.

iv. Exemption from these regulations. The regulations of this Section shall not apply to any lot(s) or parcel(s) with or providing lake access, but only if adequate proof is first provided to the Township that all of the following conditions have been met:

a. All of the lots or parcels with lake access are subject to a duly recorded perpetual restrictive covenant running with the land that incorporates and enforces the continuation of the conditions required by this subsection.

b. One lake authority or its equivalent ("lake authority") is established and continued at all times to manage and administer the entire lake. The lake authority may be a private entity operated for profit, a non-profit entity such as a homeowners association, or a governmental agency.

c. The lake authority permits lake usage only by human-powered, wind or sail-powered, or electrically-powered boats. The lake authority may authorize the use of combustion powered motor boats for lake safety, rescue, and other authorized commercial uses, provided that the combustion (fuel) powered motor boats are limited in number to four (4) boats per lake and operated at speeds less than six (6) miles per hour.

d. Either there are no riparian owners on the lake or all riparian owners have consented in writing to the use of the lake by non-riparian owners authorized by the lake authority to use the lake.

e. All deeds to lakefront property and non-lakefront property having lake usage privileges will establish the right of the lake authority to authorize and control lake access and to enforce all rules and restrictions on the use of the lake, including prohibitions and limitations regarding combustion motors. Deeds or other restrictive covenants must clearly establish that riparian owners will not have exclusive use of the lake and that they shall not provide access to others for use of the lake other than as their personal guests.

B. Common Use Lots Exempted from Ordinance. Common use lots of record legally existing prior to March 29, 2006 that have been providing common use access to a lake for a defined geographical area, a specified number of lots, parcels, common elements, condominium units, dwelling units or to any other person(s) through an association, subdivision, condominium deed, grant, reservation, covenant, or other recorded instrument are deemed legal non-conforming uses and are exempt from these regulations, except as provided in Sections 7.1 and 5.6.1.A.iii (d) and (e) above, and further provided that any dock or marina shall be subject to the requirements of any other applicable federal, state or local law including without limitation, the Natural Resources and Environmental Protection Act 451 of 1994.

C. Area and Bulk Requirements. Common use lots shall comply with the minimum area, dimensional and configuration requirements for the zoning district in which the property is located as well as the development requirements provided in Section 5.6.1.

D. Development Requirements. Developing, establishing, or using a common use lot regulated by this Section shall only be permitted by issuance of a Special Use Permit conforming to and meeting the standards of approval in Section 6.6, Special Use applicable to Special Uses including, without limitation, Site Plan Review in accordance with Section 6.1. In addition to the requirements of Section 6.6, Special Use approval of a common use lot shall be conditioned upon all of the following:

i. A deed, plat, covenant, restriction, easement, or other legal instrument in a form acceptable to the Township running with the land conveying, granting and/or reserving the right to use the common use lot shall be recorded and shall specifically identify the person(s), lots, parcels, condominium units, dwelling units or any combination thereof entitled to use the common use lot. Any legal instrument recorded pursuant to this subsection shall include a restriction acceptable to the Township prohibiting the use of the common use lot for boat liveries, public or commercial beaches, marinas, public boat launching sites, public access, or for any recreational use operated for profit. Said legal instrument shall further provide that the uses of the common use lot shall be limited to and enjoyed exclusively by the owners and occupants of the property included in said instrument, and that the right of use may not be further assigned, gifted, leased or rented. Prior to Special Use approval,

a copy of the legal instrument shall be provided to, reviewed by, and approved by the Township's attorney for compliance with this requirement.

ii. The common use lot shall have a minimum water frontage equal to the minimum frontage required by the applicable zoning district in which it is located. However, in no event shall the minimum water frontage be less than two hundred forty (240) feet at the water's edge measured by a straight line which intersects each side lot line at the ordinary high water mark.

iii. The common use lot shall be a minimum depth of two hundred (200) feet measured at the minimum distance between the water's edge and the lot line which is parallel and opposite of the water's edge.

iv. A common use lot shall have a minimum area of 48,000 square feet.

v. For uses other than boat docks and docking, such as sites for access to a lake, recreational sites, and boat launching sites, the common use lot shall have as a minimum, one hundred twenty (120) feet of frontage at the water's edge for each dwelling unit being served. For example, four dwelling units would require the common use lot to have a minimum of 480 feet of water frontage. Water frontage shall be measured by a straight line that intersects each side lot line at the ordinary high water mark. Artificial shoreline may not be used to increase the calculated water frontage.

vi. Prior to the issuance of a Special Use Permit, the Township may require a performance guarantee in accordance with Section 6.4, Performance Guarantee.

vii. For the docking of boats, the maximum number of boats that may be docked at a common use lot shall be one boat for each 120 feet of water frontage. For example, four (4) docked boats at the common use lot would require a minimum of four hundred eighty (480) feet of water frontage. Water frontage shall be measured by a straight line that intersects each side lot line at the water's edge. Artificial shoreline may not be used to increase the calculated water frontage.

viii. Docking facility must obtain a permit for marina operation as well as meet the design standards from the State of Michigan in accordance with the administrative rules of Michigan as promulgated under the Natural Resources and Environmental Protection Act 451 of 1994.

ix. Boat docks and Boat launching are not permitted from any man made channel or canal.

x. Boat docks may be used only by the person(s), lots, parcels, condominium units; dwelling units entitled to use the common use lot pursuant to subparagraph D.1 above. Boat docks, Boat docking privileges, Boat slips, Boat launching, Lake access, or Boat storage shall not be leased, rented, or in any way used as a for profit commercial endeavor or for generating revenue or compensation, except in conjunction with the lease or rental of the dwelling unit entitled to use the common use lot as provided by this Section.

xi. A finding by the Planning Commission and the Township Board that the proposed use meets all of the following:

a. The proposed use will not unreasonably interfere with the rights of usage and enjoyment by owner's of property abutting the lake;

b. The proposed use does not impair the natural appearance of said lot, parcel or condominium unit;

c. The proposed use will not result in the overcrowding of the lot, parcel, or condominium unit or the overcrowding or overuse of the lake or the lake's surface;

d. The affected lake's surface area capacity is not exceeded. The surface area capacity is exceeded if the proposed use exceeds either of the following criteria:

(1) When the number of dwelling units with access to a lake exceeds the number of acres of lake measured at water

depth greater than five (5) feet; or

(2) When the number of boats with access to a lake exceeds the number of acres required where it can be expected that fifteen (15) percent of the number of boats having access to the lake will be launched and use the lake surface at any one time and where the lake surface generally required for boat usage is twenty (20) acres of usable lake surface for each boat actually using the lake at a given time. Usable lake surface shall be the number of acres on the lake greater than five (5) feet in depth.

xii. The proposed use will not result in the environmental degradation of the lake; and

xiii. The proposed use will not produce unreasonable noise or annoyance to surrounding properties.

5.7 DUMPSTER ENCLOSURE

All dumpster enclosures shall comply with the following requirements:

1. Dumpsters shall be completely enclosed and secured by a decorative masonry screen wall on three sides, and steel reinforced, opaque and lockable wooden gates.
2. The type, color, and pattern of the enclosure materials shall match or complement the exterior façade materials of the building and meet the architectural standards in Section 5.24 if applicable.
3. The height of the enclosure shall be sufficient to completely screen all dumpsters and materials, a minimum of six (6) feet in height.
4. The surface within the enclosure shall be constructed of concrete and shall extend a minimum of ten (10) feet in front of the enclosure.
5. The enclosure shall be screened with plant materials to the satisfaction of the Planning Commission. Such screening shall also meet the requirements of Section 5.11.1, Section 5.11.3, and Section 5.11.4 contained herein unless superseded by the Planning Commission.

5.8 OFF-STREET PARKING REQUIREMENTS

1. Intent. The intent of this Section is to ensure the provision of off-street parking facilities are sufficient in number, adequately sized and properly designed to meet the range of daily parking needs and demands that are (or can be anticipated to be) associated with land uses allowed by this Ordinance.
2. Scope of Off-Street Parking Requirements. Compliance with the off-street parking regulations shall be required as follows:

   A. General Applicability. For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Section.

   B. Change In Use or Intensity. Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

   If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

   C. Parking Facilities. Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance. An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

   D. Additional Off-Street Parking. Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking is in conformance with the regulations herein.

required by the Ordinance, provided all such parking is in conformance with the regulations herein.

E. Review Procedures. Compliance with the requirements in this Section shall be subject to Section 6.1, Site Plan Review.

F. Deferred Parking (Non-Residential Uses). As a means of avoiding construction of greater amounts of parking spaces and impermeable surface area than reasonably needed to serve a particular use while still ensuring site adequacy for a broad range of potential changes in the use of a building or premises, the Planning Commission may recommend the Township Board defer construction of the required number of spaces for any industrial, commercial, office or other non-residential use if the following conditions are satisfied:

i. An application is filed in writing to the Township. Said application shall be accompanied by a site plan of the entire project showing the design and layout of all required parking areas, including areas proposed for deferred parking.

ii. The design of the parking area, as indicated on the site plan, includes sufficient space to provide for the minimum parking spaces as required by this Section for the total site development.

iii. The area designated for deferred parking shall not include areas required for setbacks, landscaping or greenbelts or land otherwise unsuitable for parking due to environmental or physical conditions.

iv. The area designated for deferred parking shall be on the same parcel or lot as the principal use for which the deferment is sought. If deferred parking is sought on an adjacent parcel or lot under common ownership, the applicant must record a deed restriction and/or covenant, as approved by the Planning Commission, combining the two parcels or lots into a single building parcel to prohibit the separate sale of the deferred parking area from the principal use. The area designated for deferred parking shall comply with the requirements of 5.8 3 A, General Requirements.

v. The Planning Commission may impose reasonable conditions to protect the public interest and may require a Performance Guarantee to assure completion of any related improvements required as a condition of deferred parking plan approval. At any time subsequent to the approval and construction of a deferred parking plan, the Planning Commission may, based on review of parking needs by the Planning Commission, require the construction of additional parking spaces as required in the table of minimum parking space requirements.

3. General Requirements. In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

A. Location

i. Proximity to Building or Use Being Served. Off-street parking for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or within five hundred (500) feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking), except as otherwise permitted for collective use of off-street parking.

ii. Required parking located on a lot different from the use which the parking is intended to serve shall be the subject of an agreement to be recorded with the County as a deed restriction. A copy of the recorded agreement shall be provided to the Township. Said agreement shall provide ongoing rights to the use of such parking and shall ensure that all requirements of this ordinance shall be complied with upon any alteration, modification, amendment or termination of the agreement.

iii. Within Yards. Off-street parking in commercial, office, multiple-family, and industrial districts may only be located in a side or rear yard or non-required front yard, provided that all landscaping requirements in Section 5.11 are complied with, and provided further that off-street parking shall not be permitted within twenty (20) feet of a single-family residential district boundary or agricultural district

boundary, nor within ten (10) feet of any road right-of-way line, nor within twenty-five (25) feet from any front lot line, nor ten (10) feet from any side or rear lot line.

B. Residential Parking. Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas. All residential off-street parking shall be located on the same lot as the principal use(s) to be served.

Commercial and recreational vehicle parking in residential districts shall comply with the standards in Section 5.8.6 and 5.8.7.

C. Control of Off-Site Parking. It shall be unlawful to park or store any motor vehicle on private property without the express or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.

D. Access to Parking. Each off-street parking space shall open directly onto a clearly-defined aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Parking designed for backing directly onto a street or road or drive used for a fire lane is prohibited.

Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes. (See illustration "Parking Lot Layouts").

E. Collective Use of Off-Street Parking. Off-street parking for two or more uses may be provided collectively subject to the following:

i. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use, unless the operating hours of the buildings or uses do not overlap, in which case the Planning Commission may reduce the total number of spaces to a number deemed reasonable based on the characteristics of the uses. Collective use parking shall not be less than 80% of the sum of the required parking for all the uses.

ii. Each use served by collective off-street parking shall have direct access to the parking without crossing streets.

iii. The collective off-street parking shall not be located farther than five hundred (500) feet from the building or use being served.

iv. A written agreement, which provides for the continued use and maintenance of the parking lot shall be recorded and submitted to the Township, as described in Section 5.8.3.A., above.

F. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas.

G. Duration. Except when land is used as permitted storage space in direct connection with a legitimate business, no vehicle shall be parked for more than forty-eight (48) hours in non-residential off-street parking areas. The storage of wrecked, inoperable, or junked vehicles shall not be permitted in any parking area in any district for any period of time.

H. Parking Structures. Parking structures shall be permitted subject to the following standards:

i. Any parking structure shall comply with the required setbacks for the district in which it is located.

ii. Parking structures shall be designed as integral elements of the overall site plan. taking into account the relationship to the principal building and other structures on the site.

iii. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.

4. Minimum Number of Spaces Required. The following standards shall be used in determining the required number of parking spaces:

A. Definition of Floor Area. For the purposes of determining required number of parking spaces, floor area shall be measured in

accordance with the definitions in Section 2.2. For those uses for which usable floor area is unknown, eighty (80) percent of the gross floor area shall be considered to be the amount of usable floor area.

B. Units of Measurement

i. Fractional Spaces. When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half (½) may be disregarded, while a fraction of one-half (½) or more shall be counted as one space.

ii. Employee Parking. Parking spaces required for employees shall be based on the maximum number of employees on the premises at anyone time.

C. Uses Not Cited. For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to determination by the Planning Commission and/or Zoning Administrator.

D. Parking During Construction. Temporary off -street parking shall be provided for workers during construction at a rate of one (1) space per employee. Gravel surfacing may be permitted for such temporary parking

E. Parking for the Physically Handicapped. Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Parking for the handicapped shall comply with applicable State and Federal codes.

F. Use of Loading Space. Required loading space shall not be counted or used for required parking.

G. Spaces for Recreational Vehicles and Tractor Trailers. Commercial uses which are likely to serve persons driving recreational vehicles or tractor trailers, shall provide no fewer than two (2) of the required parking spaces for such vehicles. Recreational vehicle/tractor trailer parking spaces shall be a minimum of twelve (12) feet wide and fifty (50) feet long.

H. Minimum Number of Spaces for Each Use.

i. The amount of required off-street parking space shall be determined in accordance with the schedule which follows. Where more than one standard is provided for a particular use, the standard that provides the most parking spaces shall be used. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.

ii. Parking Standards in the LC Limited Commercial District. The amount of parking for nonresidential uses required under Section 5.8, Off-Street Parking Requirements may be reduced by the Planning Commission by up to fifty percent (50%) upon a finding that patrons will be able to walk to the use from nearby residential areas, patrons are parked at other uses and visiting several uses, and/or on-street parking is available.

5.8.4.H Table of Minimum Parking Space Requirements	
Use	Minimum number of parking spaces per unit of measure
Residential	
Residential, One-Family and Two-Family	Two (2) for each dwelling unit
Residential, Multiple-Family	Two (2) for each dwelling unit, plus one (1) additional space for each four (4) dwelling units.
Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park. One space for every three (3) mobile home sites for visitors.
Boarding and Rooming House and Bed & Breakfast Facility	One (1) for each sleeping room
Institutional	
Churches, Temples or Synagogues	One (1) for each three (3) seats or six (6) feet pews based on maximum seating capacity in the main unit of worship
Hospitals	One and three quarters (1.75) spaces per inpatient bed plus one (1) space per each 175 gross square feet of hospital related office, research and administrative space. Other uses shall be computed separately.
Convents, Children's Homes	One (1) per six hundred (600) feet of gross floor area.
Congregate care and dependent care (convalescent/ nursing home units)	One (1) space per each three beds or two rooms, whichever is less, up to 120 beds, plus 3.0 spaces for each bed over 120; plus one (1) space for each employee during peak shift.
Group day care homes, adult foster care, group homes, adult congregate care facilities	One (1) space per four (4) clients, plus one (1) space per each employee plus designated drop-off spaces.
Public, Private or Parochial Elementary and Middle School	One (1) for each classroom plus one space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of assembly seating area where there are no fixed seats.
Senior High Schools	One (1) space for each classroom and each other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditorium.
Private Clubs or Lodge Halls	One (1) for each three (3) people allowed within the maximum occupancy load as established by Local, County, or State fire, building, or health codes.
Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Racquetball Clubs	One (1) for each two (2) member families or individuals.

5.8.4.H Table of Minimum Parking Space Requirements	
Use	Minimum number of parking spaces per unit of measure
Golf Course open to the general public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
Stadium, Sports Arena, or similar places of outdoor assembly	One (1) for each three (3) seats or ten (10) feet of bench.
Theatres, Gymnasiums, Auditoriums (Indoor)	One (1) for each four (4) seats plus one (1) for each two (2) employees.
Libraries, Museums, and Noncommercial Art Galleries	One (1) for each two hundred and fifty (250) sq. ft. of gross floor area.
Day-care Centers, Preschool and Nursery Schools	One (1) space for each staff member plus one (1) space for every eight (8) children of licensed authority capacity, plus adequate drop-off facilities.
Business and Commercial	
Auto Body Shop/Automobile Repair - Major	One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee.
Automobile Service Stations, Automobile Fueling and Convenience Stations, Automobile Repair - Minor	Two (2) for each lubrication stall, rack, pit or pump, plus one for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee.
Auto Wash, Auto Reconditioning, Auto Cleaning (interior/exterior)	Two (2) spaces, plus one (1) designated space per each employee on peak shift, plus 12 stacking spaces per bay for a fully automatic car wash, 15 for a semi-automatic (motorist must leave auto) or 3 stacking spaces per bay for a self-serve car wash.
Beauty Parlor or Barber Shop	Three (3) spaces for each of first two (2) beauty or barber chairs, and one and one-half (1.5) spaces for each additional chair.
Bowling Alleys	Five (5) for each one (1) bowling lane.
Cocktail Lounges and Taverns	One (1) space for each seventy-five (75) feet of gross floor area.
Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls and Assembly Halls without fixed seats	One (1) for each three (3) seats or one (1) for each one hundred (100) sq. ft. of gross floor area.
Furniture, Carpet, Appliance, Household Equipment Stores	One and one-half (1.5) per 1,000 sq. ft. of useable floor area.

5.8.4.H Table of Minimum Parking Space Requirements	
Use	Minimum number of parking spaces per unit of measure
Health Spas, Gymnasiums, and Health Clubs	Ten (10) for each club or spa plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1,000) gross sq. ft.
Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
Mini or Self-Storage Warehouse	Minimum of six (6) spaces plus adequate loading area at each unit.
Miniature or "Par 3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
Mortuary Establishments	One (1) for each one hundred (100) sq. ft. of gross floor area, plus a minimum of (10) stacking spaces.
Motel, Hotel or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon one space for every two occupants based on maximum occupancy load.
Motor Vehicles Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	Two and one-half (2.5) spaces for each one thousand (1,000) square feet of interior sales space plus one and one-half (1.5) spaces per one thousand (1,000) square feet of exterior display, plus three (3) spaces per service bay.
Open Air Business	One (1) for each six hundred (600) sq. ft. of lot area.
Repair Shop, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses	One (1) for each eight hundred (800) sq. ft. of usable floor area plus one (1) per employee.
Restaurant, sit-down type with liquor license	Twenty-two (22) spaces per 1,000 sq. ft. usable floor area, or 0.6 spaces per seat, whichever is greater
Restaurant—standard (a family-type restaurant without a bar or lounge area)	Fourteen (14) spaces per 1,000 sq. ft. useable floor area or 0.5 spaces per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms.
Restaurant—fast food with drive-through window	Twenty-two (22) spaces per 1,000 sq. ft. of useable floor area, plus spaces for employees of a peak shift, plus ten (10) stacking spaces, five (5) of which must be in advance of the order station, and which do not conflict with access to required parking spaces per order pick-up station.
Restaurant—carry out or delicatessen with less than six tables and/or booths	Six (6) spaces plus one (1) space for each employee on peak shift.

5.8.4.H Table of Minimum Parking Space Requirements	
Use	Minimum number of parking spaces per unit of measure
Retail Stores, Except as Otherwise Specified Herein	One (1) for each three hundred (300) sq. ft. of gross floor area.
Shopping Center or Clustered Commercial	One (1) for each two hundred (200) sq. ft. of useable floor area, plus spaces required for supermarket.
Supermarket	One (1) for each one hundred seventy five (175) sq. ft. useable floor area.
Wholesale Establishment	One (1) for each five hundred (500) square feet of gross floor area
Offices	
Banks, Savings and Loan Offices	One (1) for each two hundred (200) sq. ft. of gross floor area plus two (2) spaces for each 24 hour teller, plus four (4) stacking spaces for each drive through window.
Business Offices or Professional Offices, including Courthouses and Governmental Offices.	One (1) for each three hundred (300) sq. ft. of gross floor area.
Medical or Dental Clinics, Professional Offices of Doctors, Dentist or Similar Professions	One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area.
Industrial	
General Manufacturing Establishments	One (1) space for every six hundred and fifty (650) square feet of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office space.
Light Industrial Manufacturing	One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.
Research and Development	One (1) space for every three hundred fifty (350) sq. ft. of gross floor area plus one (1) space per each three hundred fifty (350) sq. ft. of offices sales or similar space.
Warehousing	One (1) space for every one thousand five hundred (1,500) sq. ft. of gross floor area, or one (1) space per employee at peak shift, whichever is greater.

5. Layout and Construction. Off-street parking facilities shall be designed, constructed, and maintained in accordance with the following requirements:

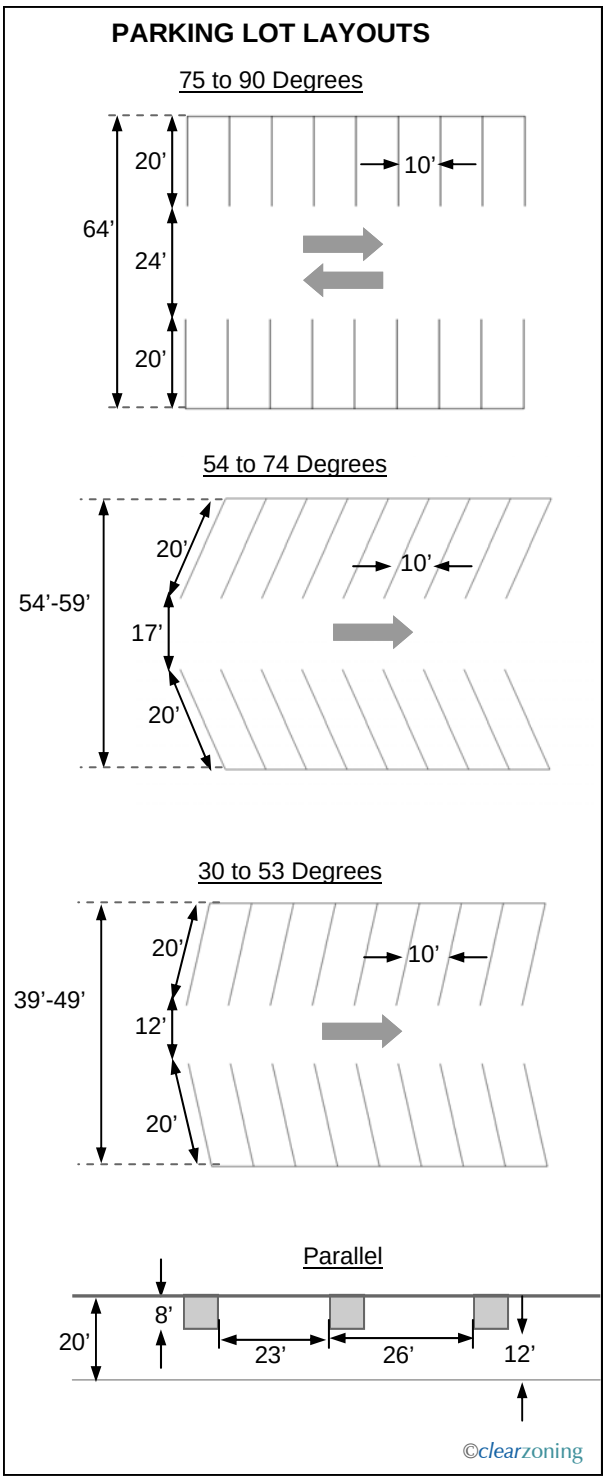
   A. Review and Approval Requirements. Plans for the construction of any parking lot or a modification of an existing parking lot shall be subject to site plan review in accordance with Section 6.1, Site Plan Review.

   B. Dimensions. Off-street parking and aisle drives shall be designed in conformance with the standards contained in the following illustration for Parking Lot Layouts and the Township's Engineering Design Standards.

   C. Ingress and Egress. All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty five (25) feet from the nearest point of any property zoned for single-family residential use. No more than two (2) clearly defined points of access shall connect an off-street parking area to anyone roadway. The Planning Commission shall review ingress and egress in the STR and LC Districts on a case by case basis.

   D. Surfacing and Drainage. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard surfaced with concrete or plant-mixed bituminous material except that such off-street facilities located in the CA or RR Districts, serving principal permitted uses, and designed for four (4) or fewer parking space, are not required to be paved. All new residential subdivisions, condominiums and group housing shall have paved driveways including off-street parking, when the road upon which the unit fronts is paved.

   The Planning Commission may permit a gravel surface for public or quasi-public parks and cemeteries that are seasonal and/or limited use facilities provided the applicant or property owner provides sufficient evidence that the gravel surface will support the volume of traffic. A church shall be considered a quasi-public facility under this Section. The applicant or property owner shall also submit a detailed maintenance plan to address normal wear, repair and dust control of the gravel surface to the satisfaction of the Township. The off-street parking areas, driveways and other vehicle maneuvering areas shall be designed in accordance with the provisions for gravel private roads as noted in the Township Engineering Design Standards.



The Planning Commission may also permit a gravel surface for heavy machinery storage areas, and seasonal uses provided the applicant or property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged and dust control is provided to the satisfaction of the Township.

Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface waters shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

E. Curbs, Wheel Chocks. A curb of at least six (6) inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property. Curb and gutter shall be required in all parking lots containing twenty (20) or more spaces. Should no other form of curbing be feasible, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines. An alternative method of delineating the parking lot, drive aisle and grass areas may be permitted for uses determined by the Planning Commission to be public or quasi-public parks and cemeteries.

F. Lighting. All parking areas, driveways, and ways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements in Section 5.13, Lighting. Parking lot entrances shall be illuminated.

G. Buildings. No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/ attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.

H. Signs. Accessory directional signs shall be permitted in parking areas in accordance with Section 5.26.

I. Screening and Landscaping. All off-street parking areas, except those serving single and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Section 5.11, Landscaping. Screening of the parking areas and landscape parking islands shall not be required if the use is determined by the Planning Commission to be public or quasi-public parks and cemeteries. However, screening from the adjacent property shall be required if the surface parking area is located within fifty (50) feet from a public right-of-way or residentially zoned property.

J. Maintenance. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

K. Stacking. The following shall apply to all stacking spaces required herein:

i. Each required stacking space shall be no less than twenty two (22) feet long and ten (10) feet wide.

ii. Each stacking lane provided shall be no less than twelve (12) feet in width.

iii. Drive-thru facilities shall provide required stacking spaces as specified under Section 5.8.4 herein. If a specific stacking requirement is not provided for a proposed use, the Planning Commission shall determine such requirements based upon the characteristics of the use and requirements for similar facilities.

6. Commercial Vehicle Parking in Residential Districts

A. Number and Type

i. One (1) commercial vehicle with a rated capacity of two and one half (2.5) tons or less and no more than one (1) axle, owned or operated by a resident of the premises, may be parked on a lot located in a residential district.

ii. The parking or storage of vehicles with a rated capacity of over two and one half (2.5) tons or with more than one (1) axle may be permitted where such vehicles are used in conjunction with a bonafide agricultural operation on a farm that is ten (10) acres or greater in size.

iii. The parking of no more than one (1) commercial vehicle with a rated capacity of over two and one half (2.5) tons or more than one (1) axle may be permitted on a residential parcel

subject to the following conditions and approval by the Zoning Administrator:

a. The parcel of land shall not be part of a platted subdivision or other single or multiple family residential development.

b. The parcel of land shall have a minimum width of one hundred and fifty (150) feet.

c. The commercial vehicle must be owned or operated by a resident of the premises.

B. Screening. The vehicle shall be fully screened when parked. Such screening may be provided by parking the vehicle in a garage, or by parking the vehicle in a rear yard which provides complete screening from adjacent properties. Screening may be accomplished with planting, landscaping, topographic barriers, or through construction of screening walls or fences. In the CA District such screening shall be at the discretion of the Planning Commission.

Approval to park a commercial vehicle shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle.

C. Impact. In considering whether to permit parking of a commercial vehicle on a site, the Planning Commission shall consider the potential off-site impacts, including: the impact from additional dust, odors, fumes, and noise generated by the vehicle; the disruption from additional vehicular traffic at various times during the day; possible safety and environmental hazards related to operation of a commercial vehicle on public or private residential roads.

7. Recreational Vehicle Parking in Residential Districts. Recreational vehicles as defined in Section 2.2, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following conditions:

A. Connection to Utilities. Recreational vehicles parked or stored shall not be connected to water, gas, or sanitary sewer facilities.

B. Use as Living Quarters. At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.

C. Location. Recreational vehicles outside of a building shall be parked or stored in the rear or side yard, and shall not be parked closer than five (5) feet to a side or rear property line.

D. Lot Coverage. Recreational vehicles, boats and personal watercraft may occupy no more than twenty percent (20%) of the required rear yard.

E. Temporary Parking. Notwithstanding the above provisions concerning 'Location', recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven (7) day period.

F. Limitation. No more than two (2) recreational vehicles including boats and personal watercraft shall be parked on a residential lot or parcel.

G. Condition. Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.

H. Storage of Mobile Homes. The parking or storage of an unoccupied mobile home as defined in Section 2.2, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted under Section 4.1 or in the Mobile Home Park District.

I. Waiver of Regulations. The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the Zoning Administrator. No more than two (2) permits shall be issued for each activity (repair, storage of guest vehicle) per calendar year.

J. Multiple Family Complexes. The Planning Commission may require that a screened storage area be provided on the site of a multiple family complex.

K. Size of Space. Any parking spaces designed for use by recreational vehicles

shall be no less than twelve (12) feet in width and no less than fifty (50) feet in length.

8. Parking in Mobile Home Parks

   A. The required visitor parking shall be located convenient to the area served.

   B. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.

   C. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. The location of such storage areas shall be shown on the site plan and shall be prohibited on mobile home sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be surfaced with gravel, asphalt or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped buffering or screening. If landscape screening is used it shall comply with Section 5.11.2.G, Buffering or Screening Requirements. Common laundry drying areas, trash collection stations, surface mounted transformers, and similar equipment and facilities shall also be screened from view by plant material and/ or man-made screens.

5.9 LOADING SPACE REQUIREMENTS

1. Scope of Loading Space Requirements. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

   A. General Applicability. On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this Section.

   B. Change In Use or Intensity. Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

2. General Requirements

   A. Location. Required loading space shall be located to the rear or side of the building being served such that it is screened from view from adjoining roads. The Planning Commission may permit not more than one (1) loading space in front of a building in the LC District, if in the determination of the Planning Commission there is no feasible way to provide side or rear loading. Landscaping, fences or walls or other means acceptable to the Planning Commission shall be provided to screen truck wells and loading docks form view from adjoining roads and from residential or agricultural zoned land. Loading/ unloading operations shall not interfere with traffic on public streets or off-street parking. All loading spaces shall be located and designed to avoid traffic hazards either on public roadways or required access aisles for off-street parking areas. Space shall be allocated so as to ensure that all turning movements can be made within the limits of the premises in question.

   B. Size. Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fifteen (15) feet.

   C. Surfacing and Drainage. Loading areas shall be hard surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

   D. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

   E. Use of Loading Space. Required loading space shall not be counted or used for required parking.

   F. Central Loading. Central loading facilities may be substituted for individual loading

spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:

i. Each business served shall have direct access to the central loading area without crossing streets or alleys.

ii. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.

iii. No building served shall be more than three hundred (300) feet from the central loading area.

iv. All approaches to loading docks shall be surfaced with concrete or asphalt paving material.

G. Schedule of Loading Space Requirements. Off-street loading spaces shall be provided for any use involving the receipt or dispatch of vehicles and/or merchandise. The amount of required loading spaces shall be determined in accordance with the schedule that follows. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate the number or type of deliveries experienced by a particular business or use.

i. Commercial uses shall provide a minimum of one (1) loading space for up to 5,000 square feet of gross floor area. When any such use exceeds five thousand (5,000) square feet to a maximum of 60,000 square feet in gross floor area, one (1) additional loading space shall be provided for every increment of twenty thousand (20,000) square feet of gross floor area. Uses which exceed 60,000 gross square feet shall provide three (3) spaces plus one (1) space per each additional 50,000 square feet gross floor area.

ii. Office uses shall provide one (1) loading space for every twenty thousand (20,000) square feet of gross floor area.

iii. Industrial uses shall provide one (1) loading space for every ten thousand (10,000) square feet of gross floor area. In no case may fewer than two (2) loading spaces be provided.

iv. In the RDP District, a maximum of two (2) truck docks shall be permitted.

5.10 ACCESS MANAGEMENT AND NON-RESIDENTIAL DRIVEWAY STANDARDS

1. Statement of Purpose. The purpose of this Article is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system, while providing property owners with reasonable though not always direct access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties. The standards are based on extensive research in Michigan and nationally that support access management standards such as those herein as an effective mechanism to achieve the purposes stated above.

2. Application of Standards

A. Access management research demonstrates that standards need to vary in consideration of the function of the roadway. Thus, this Section sets forth two sets of standards, one for frontage along M -59; the other for other major collectors in the Township, as defined in the Township's Master Plan. The M-59 standards are based on a specific evaluation and recommendations for that corridor in a plan prepared for the Michigan Department of Transportation. These standards recognize the primary function along M-59 is to accommodate longer distance, higher speed traffic, with a secondary function to access land uses. The standards for other thoroughfares are somewhat less stringent, in recognition those roads generally accommodate shorter duration trips at more moderate speeds.

B. The standards of this Section shall not apply to driveways located in a Planned Development (PD) District because the PD allows modification of access when integrated with other elements of the project to achieve the stated purpose of that Section.

C. The access standards contained herein shall be required in addition to, and where permissible shall supersede, the

requirements of the Michigan Department of Transportation and the Livingston County Road Commission.

D. The standards contained in this Section shall apply to all uses, except permitted single-family and two-family dwelling units.

E. The standards herein refer to all access points (driveways, street intersections and private road intersections) except a driveway to a single family or two-family home on a single lot or parcel.

F. For expansion and/or redevelopment of existing sites where the Planning Commission determines full compliance with standards of this Section is unreasonable or unnecessary, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives which substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:

i. The size of the parcel is insufficient to meet the dimensional standards.

ii. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.

iii. The use will generate less than five-hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.

iv. There is no other reasonable means of access.

v. Public safety will not be compromised by the modification sought.

vi. The requested modification is acceptable to the enforcing road agency (MDOT or LCRC).

3. General Standards for Driveway Location

A. Driveways shall be located to minimize interference with the free movement of traffic, to minimize interruption of traffic operations at intersections, to minimize need for crossovers for any median, to reduce conflicts with existing access points on both sides of a roadway, to provide adequate sight distance, and to provide the most favorable driveway grade.

B. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Michigan Department of Transportation or Livingston County Road Commission, as applicable, and upon written certification from the adjacent property owner agreeing to such encroachment.

4. Standards for the Number of Commercial Driveways. The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic, service vehicles and emergency vehicles, while preserving traffic operations and safety along the public roadway. Standards for M-59 frontage are specified in Section 5.10.8.

A. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared service drive. Where it is not possible to provide shared access, this access may be by a single driveway.

B. An additional driveway(s) may be permitted only under one of the following:

i. One (1) additional driveway may be allowed for properties with a continuous frontage along one (1) roadway of over five hundred (500) feet, and one (1) additional driveway for each additional five hundred (500) feet of frontage, if the Planning Commission determines the design meets the purpose and standards of this Section.

ii. Two one-way driveways may be permitted along a frontage along a single road of at least one hundred twenty five (125) feet, provided the driveways do not interfere with operations at other driveways or along the street.

iii. An additional driveway designed and designated for service vehicles may be considered for commercial or industrial uses of over 100,000 square feet where the location of the access will not unduly interfere with traffic operations along the roadway or conflict with nearby access points.

iv. The Planning Commission may determine additional driveways are justified when a traffic impact study, submitted by the applicant and accepted by the township, clearly demonstrates that a poor Level of Service (E or F, as described in the Highway Capacity Manual, by the Transportation Research Board, Washington DC) would result at the access point and the additional access point will not compromise traffic operations along the roadway. The burden of such documentation is on the applicant.

5. Commercial Driveway Spacing Standards

A. Minimum spacing requirements between a proposed commercial driveway and an intersection shall be measured from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting cross road, in accordance with the Table 5.10.5.A, Minimum Spacing Between Commercial Driveway and Street Intersections:

B. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a minimum of one hundred fifty (150) feet from those on the opposite side of the roadway. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

C. Minimum spacing between two commercial driveways, measured from near edge to near edge of the driveways, shall be determined based upon posted speed limits along the parcel frontage in accordance with Table 5.10.5.C Minimum Spacing Between Commercial Driveways .

5.10.5.C Minimum Spacing Between Commercial Driveways	
Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	155
35	185
40	225
45	300
50 and higher	330

6. Standards for Shared Roads. The use of shared service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major collectors and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side street, a shared driveway or service road connecting two or more properties or uses may be required.

A. In particular, service drives, frontage roads or parking lot maneuvering lane connection between lots or uses may be required to be constructed by the applicant, or easements for such a drive in the future provided, in the following cases:

i. Where the spacing standards between driveways or from intersections can not reasonably be met.

ii. When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.

5.10.5.A Minimum Spacing Between Commercial Driveway and Street Intersections		
Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channeled Driveway or along a Median Cross Section
Along Major Collectors, Intersecting Street is a Major Collector	250 feet	125 feet
Along Major Collectors, Intersecting Street is <u>not</u> a Major Collectors	200 feet	125 feet
Along Other Roads	75 feet	50 feet

5.10.8.A. Minimum Access Spacing: M-59				
Posted Speed Limit (MPH)	From Adjacent Access	From Cross Road Intersection	From Offset Access Point	Cross-over Spacing
45	375 feet	350 feet	250 feet	660 feet
55	525 feet	350 feet	250 feet	660 feet

iii. Where the site is along a portion of a major thoroughfare where congestion exists or there is a recorded history of a high number or rate of accidents in relation to similar locations in the Township or along similar roadways in the state.

iv. The property frontage has limited sight distance.

v. The fire department recommends a second means of emergency access.

B. Where the construction of the service drive will occur in the future, a timing mechanism and performance guarantee shall be provided.

C. Service drives shall be constructed in accordance with the specifications of the Township Engineer. Generally, the pavement width shall be at least 24 feet, with no parking. Access points to the service drive shall be in accordance with the applicable spacing standards of this Article.

7. Commercial Driveway Design. Commercial driveways shall be designed according to the standards of the MDOT or the LCRC and in accordance with the following:

A. For high traffic generators, (uses producing 50 peak hour left turns, or where left turn movements have Level of Service D or worse, as described in the Highway Capacity Manual, by the Transportation Research Board, Washington DC) or for commercial driveways along roadways experiencing or expected to experience congestion, as determined by the Planning Commission, two egress lanes may be required (one being a separate left turn lane).

B. Where a boulevard entrance is designed by the applicant or required by the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping on the island, however any portion within the public right-of-way shall conform to applicable road agency standards. Such landscaping shall not be a minimum of ten (10) feet in width and tolerant of roadway conditions. Direct alignment of boulevard entrances shall be discouraged.

C. All commercial driveways shall provide an unobstructed clear vision between a height of thirty (30) inches and six (6) feet in a triangular area measured ten (10) feet back from the point of intersection of the driveway and the street right-of-way, as more specifically described in Section 5.1, Clear Vision Area.

8. Access Spacing Standards for M-59

A. Driveway Spacing Standards. Specific spacing standards for spacing between a commercial driveways along M-59 are provided in Table 5.10.8.A, Minimum Access Spacing: M-59. These standards may be reduced by the Planning Commission if approved by the Michigan Department of Transportation or the Livingston County Road Commission, as appropriate. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

B. Number of Commercial Driveways. The number of commercial driveways serving a property shall be the minimum necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway. Access shall be provided for each separately owned parcel in the form of an individual driveway, shared driveway or via a service drive. Additional driveways may be permitted for property if at least one of the following conditions is met:

i. One (1) additional driveway may be allowed for properties with a

continuous frontage of over three hundred (375) feet in 45 mph zones and five hundred twenty five (525) feet in 55 mph zones and one (1) additional driveway for each additional increment of frontage based on these same respective front footages, if the Planning Commission determines there are no other reasonable access opportunities.

ii. The Planning Commission determines additional access is justified without compromising traffic operations along M-59, based upon a traffic impact study provided by the applicant and accepted by the Township and MDOT.

C. Shared Service Drives. It is the stated policy of the Township to encourage the use of shared driveways and service roads for commercial development. A shared driveway or service road connecting two or more properties or uses may be required. When a shared driveway or service road is required, the Planning Commission must determine that reducing the number of access points will have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access. Specifically, service drives may be required where recommended in the M-59 Corridor Plan or other sub-area master plans; near existing traffic signals or near locations having potential for future signalization; and along segments of M-59 with a relatively high number of accidents or limited sight distance.

D. Service Road Design Standards. Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings, anticipated traffic flow for the site, locations of existing service roads or parking lot connections, and the M-59 Corridor Plan.

i. Access Easement. Shared driveways and service roads shall be within an access easement recorded with the Livingston County Register of Deeds which permits traffic circulation between properties. This easement shall be sixty (60) feet wide, except an access easement parallel to a public street right-of-way may be forty (40) feet wide, if approved by the Planning Commission. The required width shall remain free and clear of obstructions, and shall not be used for parking unless otherwise approved by the Planning Commission.

ii. Driveway Stacking Length. A driveway stacking area shall be provided between the intersection of the service drive with M-59 and any internal circulation lane. The depth of the stacking area shall be sufficient to accommodate expected vehicles waiting. As a guideline, the minimum length of a stacking area should be at least 80 feet. A larger stacking area may be required depending upon the trip generation characteristics of uses to be served by the service drive.

iii. Construction and Materials. Service roads shall have a base, pavement and curb with gutter in accordance Livingston County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-six (26) feet.

iv. Temporary Access. The Planning Commission may approve a temporary access where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Land use permits shall not be issued until the financial guarantee has been conveyed to the local government.

E. MDOT and LCRC Standards. Except where specific recommendations are noted above, driveways along M-59 shall meet the general standards of this Section and those of the MDOT and LCRC.

9. Modification of Standards for Special Situations. During site plan review the Planning Commission shall have the authority to modify the standards of this Section upon consideration of all of the following:

A. The standards would prevent reasonable access to the site.

B. The site has insufficient frontage to meet the requirements of this Ordinance.

C. Access via a shared driveway or service/ frontage road is not possible due to the presence of existing buildings or topographic conditions.

D. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.

E. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use, and does not pose a significant problem to safe and efficient traffic operations.

F. The proposed location and design is supported by the Michigan Department of Transportation or the Livingston County Road Commission depending on which agency has jurisdiction as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.

G. The modification shall be for the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than a sixty six (66) feet width between the driveways, or less than fifty (50) feet between a driveway and an intersection.

H. Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards herein to the extent practical.

5.11 LANDSCAPING AND SCREENING

1. Intent and Scope of Requirements

A. Intent. Landscaping enhances the visual image of the Township, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. Lighting and sidewalks create, where appropriate, an important part of the Township's visual image. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, screening, lighting, and walkways, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

i. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way,

ii. Protect and preserve the appearance, character, and value of the neighborhoods that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,

iii. Create a safe and efficient means of pedestrian circulation,

iv. Reduce soil erosion and depletion, and

v. Increase soil water retention, thereby helping to prevent flooding.

B. Scope of Requirements. A detailed landscape plan shall be submitted as part of the site plan review process in accordance with the provisions set forth in Section 6.1, Site Plan Review. No site plan shall be approved unless it shows landscaping, screening, buffering, berming, walls, fencing, lighting and sidewalks consistent with the requirements of this Ordinance. Landscaping shall include plant materials such as trees, shrubs, ground covers, perennial and annual plants; landscape elements such as rocks, water features, fences, walls, paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles, and planters.

All graphics, contained in this Section, are for illustrative purposes only. The requirements in this Section shall not apply to single family detached homes, unless otherwise specifically noted.

C. Minimum Requirements. The requirements in this Section are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive standards.

D. Design Creativity for Landscaping. Creativity in landscape design is

encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect. The developer and landscape professional shall work with the Township to ensure consistency with the character of the area, providing the massing and visual interest to enhance the architecture and ensure coordination of the proposed landscaping with adjoining properties and throughout the community.

A landscape professional shall be professionally trained and have expertise in the area of landscape architecture, horticulture, landscape design or a similar field. Expertise in types of plant material, growth patterns, durability, installation and maintenance is required. The Planning Commission may require sealed plans from a Licensed Landscape Architect when the project is over five (5) acres in size, part of a Planned Development or contains unique or natural features that would benefit from that level of design expertise.

2. General Landscaping Requirements

A. General Requirements

i. Standards. All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berm, or screening are required. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge.

ii. Units of Measurement. For purposes of determining the minimum number of live plant materials required for a site, when the calculation results in a fractional number, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as a requirement for one plant.

iii. Lot Frontage Measurement. For purposes of determining the minimum number of live plant materials required for a site, lot frontage shall mean the distance between the two side lot lines of a lot or parcel of land as measured at the road and shall include any openings for driveways, sidewalk, or easements.

iv. Lawn Areas. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded.

v. Maintenance of Unobstructed Visibility. No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning clear vision area set forth in Section 5.1, Clear Vision Area.

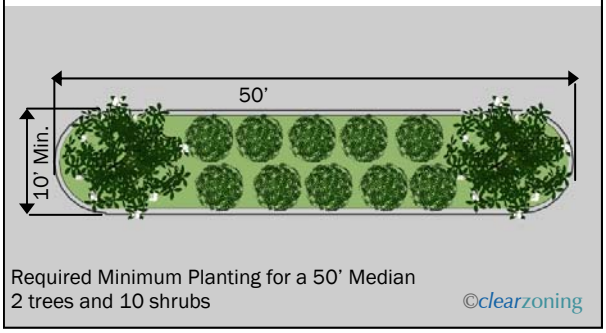
vi. Utility Clearance. In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in Table 5.11.2.A.vi, Utility Clearance.

5.11.2.A.vi Utility Clearance	
Mature Tree Height	Minimum Distance From Center of Trunk to Nearest Utility Line Measured along a Horizontal Plane
Up to 15 feet	10 feet
15 to 25 feet	20 feet
Over 25 feet	30 feet

vii. Landscaping of Divider Medians. Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways are separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) canopy or evergreen tree and six (6) medium shrubs shall be planted for the initial twenty five (25) lineal feet or portion thereof plus one (1) additional canopy or evergreen tree and four (4) additional medium shrubs for every increment of twenty five (25) lineal feet. Trees may be planted at uniform intervals, at random, or in groupings,

but in no instance shall the center-to-center distance between trees exceed sixty (60) feet.

LANDSCAPING OF DIVIDER MEDIAN

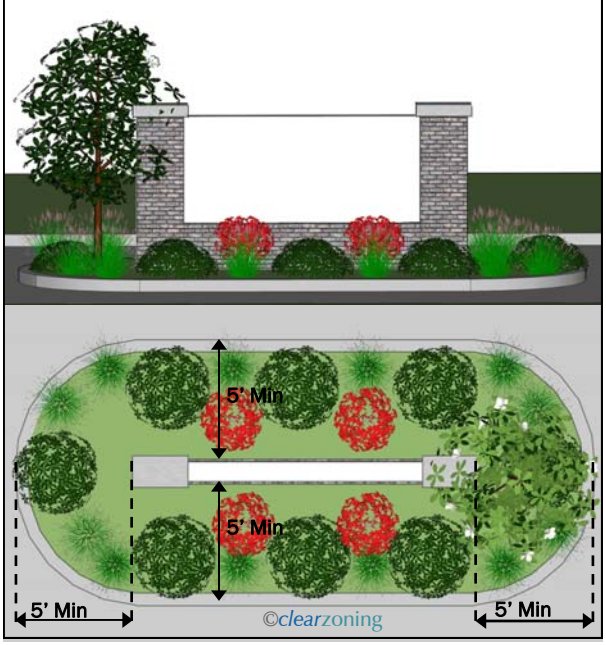


Required Minimum Planting for a 50' Median
2 trees and 10 shrubs

viii. Irrigation. The site plan shall indicate the proposed method of watering landscaped areas. For all new developments, requiring site plan approval, an in-ground irrigation/ sprinkler system is required. The Planning Commission may permit an alternate method of irrigation in accordance with Section 5.11.7, Modification to Landscape Requirements.

ix. Landscaping around the base of monument signs. Landscaping shall be provided at the base of the monument sign. The landscape area shall be a minimum width of five (5) feet on each of the longest sign faces and be defined by a landscape edge to maintain a finished appearance. Plantings shall include a mix of evergreen/deciduous shrubs or ornamental trees. Landscaping should provide year-round interest. Perennials, annuals and mulch may be used as in-fill but shall not exceed thirty percent 30% of the planting area. Landscaping should be in scale with the sign height and length to create a substantial base.

LANDSCAPING AROUND MONUMENT SIGNS

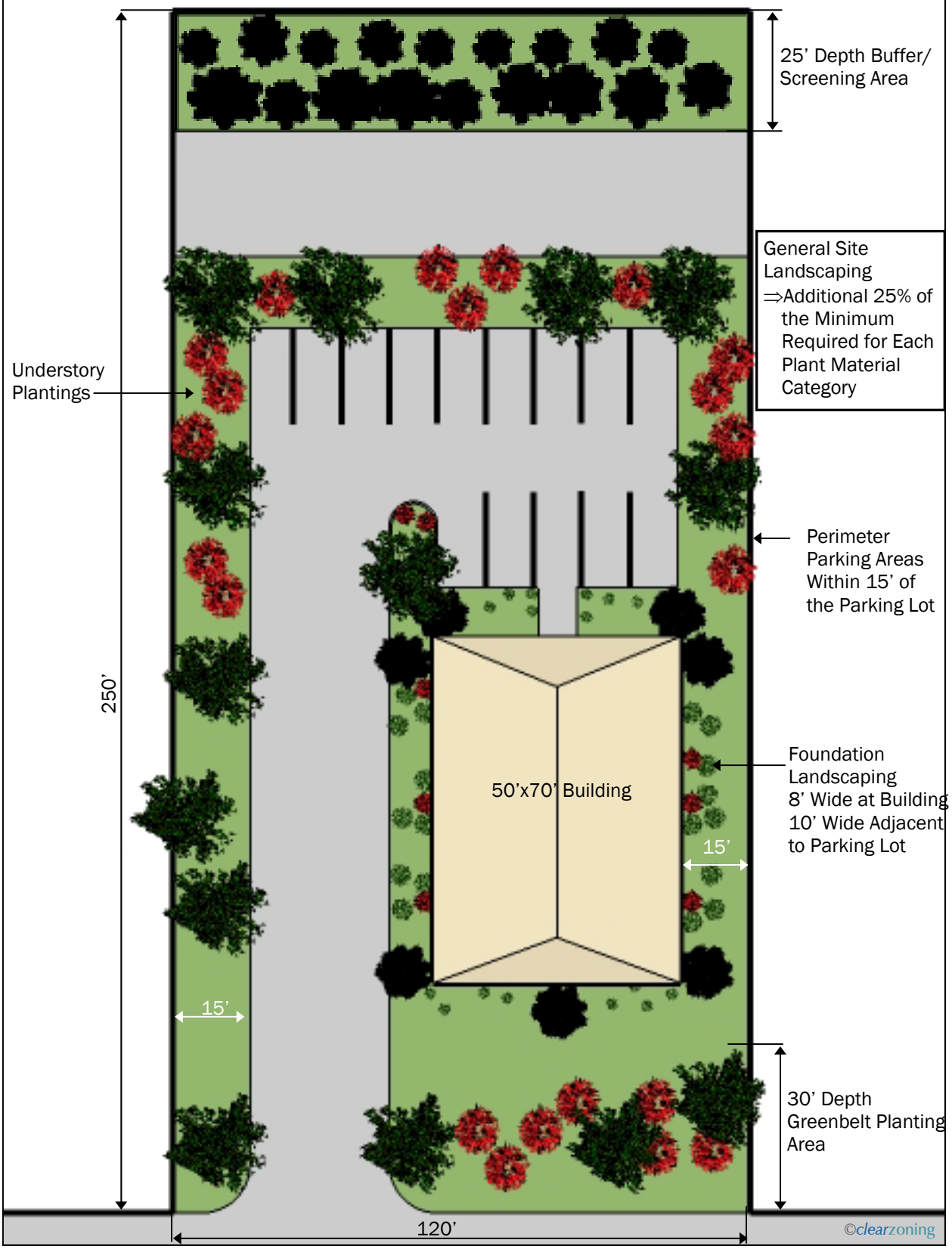


B. General Site Landscaping

i. Site landscaping is required by this Section in six general areas: greenbelt; foundation; parking lot interior and perimeter; retention/detention facilities; monument signs; and, screening and buffering. As part of site plan review, the applicant shall identify the minimum number of trees and shrubs required to meet the general areas described in this Section. In addition to these minimum requirements, the applicant shall provide additional trees and shrubs comprising twenty five percent 25% of the minimum required for each Plant Material Category. Additional plantings shall be used to further enhance the site's overall landscape plan and may be used in existing planting beds or to provide continuity between landscape areas.

The Planning Commission may allow substitutions to Section 5.11.3.C, Plant Material Specifications when it finds that the intent of this Ordinance would be met and the landscape plan enhanced through the modification.

5.11.2.B.i GENERAL SITE LANDSCAPING



ii. Landscaping may include the preservation of existing trees and shrubs along with new trees, shrubs, grass, ground cover, and other living plant material. No more than one-third (33%) of the area being comprised of grass or ground covers. The one-third (33%) shall be calculated within each required landscape area, i.e. greenbelt, screening, foundation, etc. Preserved landscaping shall meet the intent and quality as required by this Section.

C. Greenbelt

i. A greenbelt shall be planted along any public or private road right-of-way within the first thirty (30) feet of the property, see 5.11.2.B.i, General Site Landscaping. Plantings may occur within the right-of-way, private property or a combination of both. If the plantings are not permitted within the first thirty (30) feet of the property, due to conflicts with utilities, sight lines or other right-of-way encumbrances, the Planning Commission may allow the planting elsewhere within the required front yard setback if it finds the intent of the greenbelt is still met. The greenbelt shall meet the following standards:

a. The greenbelt shall be a minimum of twenty (20) feet wide and shall generally run parallel to the public or private right-of-way, excluding regulated wetlands. The greenbelt should be arranged to simulate a natural setting with staggered or clustered plantings, except where a more traditional or formal design is appropriate for the development and surrounding area and will meet the intent of this Section.

b. The greenbelt shall include one (1) canopy tree for every thirty (30) linear feet or portion thereof of lot frontage. For example, eighty (80) feet of frontage shall require three (3) canopy trees. The Planning Commission may approve a substitution of evergreen trees for up to fifty (50) percent of the canopy trees.

c. The greenbelt shall include three (3) small deciduous ornamental trees or large deciduous or evergreen shrubs for the initial forty (40) linear feet or portion thereof of lot frontage. Thereafter, one (1) additional small deciduous ornamental tree or large deciduous or evergreen shrub shall be required for every twenty (20) feet or portion thereof of lot frontage. For example, eighty (80) feet of frontage shall require five (5) ornamental trees or large shrubs.

d. The greenbelt shall be planted with grass, groundcover, shrubbery or other live plant material, other than those areas used as drives, sidewalks or other approved structures and areas where live plant material would not survive.

e. Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. No plantings except grass or ground cover shall be permitted closer than three (3) feet from the edge of the road pavement.

f. The Planning Commission may determine that existing trees which are preserved within the road right-of-way, easement or determined greenbelt area may meet all or part of the requirement based on their location, species, size and integration into the overall landscape plan. Preservation of the trees located within the right-of-way must be confirmed in writing by all agencies having an easement over said right-of-way prior to site plan review.

ii. A minimum 15 foot wide landscape area shall be provided along the length of internal roadways providing shared public access to the site. The landscape area shall be planted with a minimum of one (1) canopy or evergreen tree for every thirty (30) feet or portion thereof.

D. Foundation Landscaping

i. Foundation plantings shall be required to visually break up the mass of buildings and enhance the traffic flow in accordance with the following requirements and as illustrated in Figure 5.11.2.B.i., General Site Landscaping:

a. The length of this planting area must equal at least 60% of front and sides of the building length along the front and sides of buildings which face a public or private road, is adjacent to a parking lot or other areas which provide access to the building(s) or adjacent to a developable site or area.

b. Planting areas shall be a minimum of eight (8) feet in width when located adjacent to the building or ten (10) feet in width when located between the building and a parking area or drive aisle to prevent vehicle encroachment.

c. Plantings shall contain a minimum of one (1) deciduous ornamental tree or columnar tree and six (6) medium shrubs or eight (8) small shrubs for every thirty (30) lineal feet of building length or portion thereof. The Planning Commission may permit a mixture of small and medium size shrubs when the ratio of plantings is consistent with the intent of this Section.

d. Planting areas shall be integral with the pedestrian walkways and parking areas and associated driveways.

e. Permanent raised landscape planters which are designed as an integral part of the pedestrian walkway may be used to satisfy the foundation landscape requirement. A minimum of one (1) ornamental tree and eight (8) small shrubs per thirty (30) lineal feet of building frontage or portion thereof is required for raised planters.

f. Where arcades are used across a building's façade, trees may be used in lieu of shrub plantings and satisfy the requirements for foundation plantings. A minimum of one (1) canopy or evergreen tree per thirty (30) lineal feet of building frontage is required

g. Buildings with a greater mass in length or height shall be required to increase the massing of the foundation landscaping through modification in the required number of plants, size of the plants at time of planting and/or a change to a larger tree or shrub species.

E. Parking Lot Landscaping. Off-street parking areas containing ten (10) or more parking spaces shall provide landscaping in accordance with the following requirements and as illustrated in Figure 5.11.2.B.i., General Site Landscaping:

i. Interior Areas. Each separate landscape area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to divide and break-up the expanse of pavement and define parking areas and circulation paths. The following specific standards apply:

a. Where a row of parking spaces exceed ten (10) parking spaces, a landscaped endcap shall be installed at each terminus of the row of parking. Endcaps shall also be used to direct vehicles into the drive aisle and further define the designated parking area.

b. Where a parking row contains twenty (20) or more continuous spaces, one landscape island shall be required at or about the midpoint of the row or as determined by the Planning Commission as part of the overall design. A landscape island shall be required at intervals, not to exceed, fifteen (15) continuous parking spaces.

c. Landscaped areas in parking lots shall be no less than ten (10) feet in any single dimension and no less than one hundred eighty (180) square feet. To improve visibility and maneuvering, the length of the landscaped areas

shall be two (2) feet less than the adjacent parking stalls. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

d. Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) canopy tree shall be planted per one hundred eighty (180) square feet or fraction thereof of interior landscaped endcaps, islands or medians. A minimum of fifty (50) percent of each interior landscaped area shall be covered with a combination of small and medium evergreen and deciduous shrubs. The remaining landscape area may include a combination of groundcover, perennials, annuals and mulch.

e. Plantings within parking lots shall comply with the requirements for clear vision set forth in Section 5.1, Clear Vision Area. The landscape plan shall indicate the type, size, and quantity of plant material proposed for such area.

f. Where the installation of interior parking lot landscaping would impede circulation or prevent routine maintenance, the Planning Commission may approve alternative landscaping along the perimeter of the parking lot.

g. The Planning Commission may require evergreen trees where visibility is not an issue and screening or buffering would be beneficial.

ii. Perimeter Areas. For purposes of this section the perimeter area measures fifteen (15) feet in width from the edge of the parking lot or drive aisle measured from the back of curb and the length of the abutting parking aisle. To minimize the conflict between parking lots and public or private roads and neighboring uses, the perimeter of the parking lot shall be screened in accordance with the following standards:

a. Parking lots shall be effectively screened or buffered from the public right of way or a private road with one or more of the following landscaping designs:

(1) Landscape berm between two (2) and three (3) feet in height and planted with a combination of evergreen and deciduous shrubs to effectively screen vehicles and associated headlights.

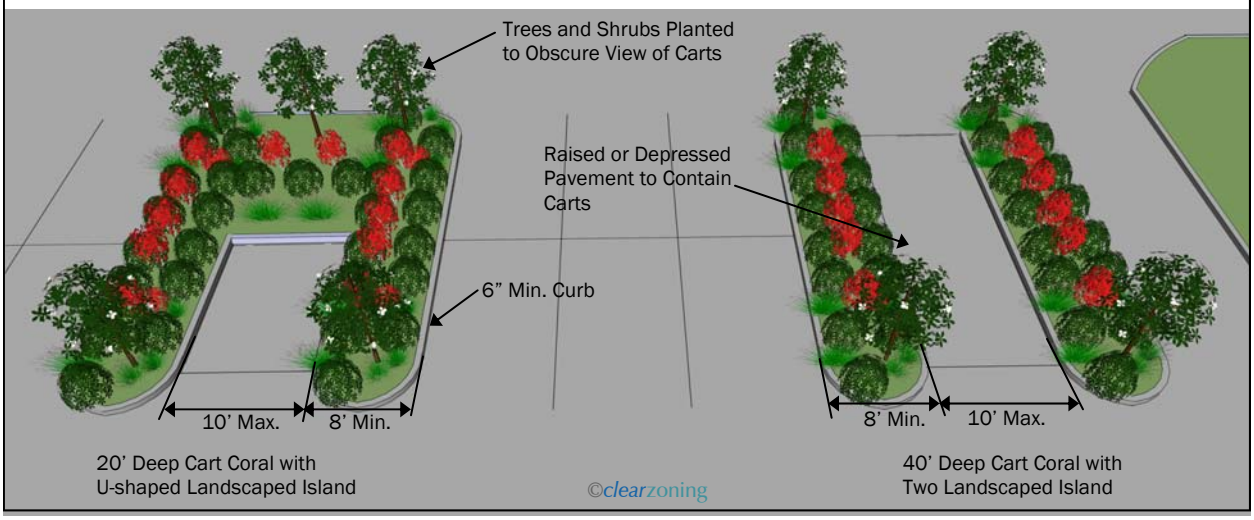
(2) Evergreen hedge row a minimum of three (3) feet in height planted in a row or staggered to create continuous screening. In no case shall an evergreen hedge be less than 30 inches at the time of planting.

(3) A decorative screening wall a minimum of three (3) feet in height located adjacent to the parking lot with a combination of evergreen and deciduous shrubs planted between the parking area and roadway. The Planning Commission may require similar planting materials on the development/building side of the screening wall.

(4) The Planning Commission may permit modifications to the screening requirement including the use of metal fencing or other decorative elements where a greater setback, natural landscaping or topography, or unique site layout would allow for a lesser or modified screening requirement.

b. Perimeter areas not visible from a public road shall be landscaped with a minimum of one (1) canopy or evergreen tree for every thirty (30) lineal feet or portion thereof. When canopy trees are used, understory shrubs are required to buffer/screen the parking lot. The Planning Commission may require additional plantings where the proposed intensity of land uses deviate from the existing adjacent land uses or zoning district.

5.11.2.E.iii CART CORALS



iii. Cart Corrals. Shopping cart corrals provided in parking areas shall be designed as an integral part of a parking lot landscape island(s). The cart corral area shall be a maximum of ten (10) feet in width and up to forty (40) feet in depth (standard island width for back-to-back parking stalls). The cart corral area shall be flanked on each side by a landscape area a minimum of eight (8) feet in width and extending the full depth of the cart corral, and have a minimum six (6) inch concrete curb to contain the carts between the landscape areas. Raised or depressed pavement may be used at the openings of the cart corral and at the center to contain the carts within. Plantings shall be provided within the landscape areas and shall include canopy trees and medium evergreen or deciduous shrubs sufficient to obscure view of stored carts to a height of 3 feet. The landscape areas may count towards the interior parking lot landscape requirements. No additional structures shall be permitted for storage of shopping carts in parking areas.

F. Berms. Where berms are used they shall conform to the following standards:

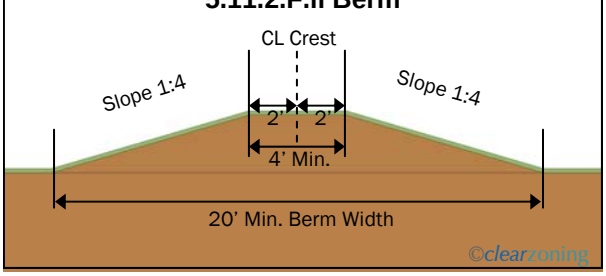
i. General Requirements. Berms used for screening between land uses shall be landscaped in accordance with Section 5.11.2.G, Buffering or Screening Requirements.

Berms used for screening between parking lots and access rights-of-way shall be landscaped in accordance with the Section 5.11.2.E.ii, Perimeter Parking. The height of berms used to screen off-street parking shall be measured from the adjacent parking lot or right-of-way whichever is higher.

Berms shall be integrated into the site's overall landscape design to provide a natural rhythm and flow between all landscape areas and improvements. The Township encourages berms to undulate in height and vary in contours to create a more natural appearance.

ii. Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal (25 percent slope), with at least a four (4) foot flat area on top. The exterior face of the berm shall be constructed as an earthen slope. The interior face may be constructed as an earthen slope or retained by means of a wall or terrace.

5.11.2.F.ii Berm



A berm shall run the length of the developed site area and shall be a minimum width of twenty (20) feet wide with an average berm height of three (3) feet and a minimum berm height of two (2) feet. When additional screening is required, the Planning Commission may require a minimum berm height of four (4) feet.

iii. Protection from Erosion. Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The Planning Commission may allow the use of hardscape material, including masonry landscape blocks, stones, and other natural and decorative materials to retain the shape and height of a berm.

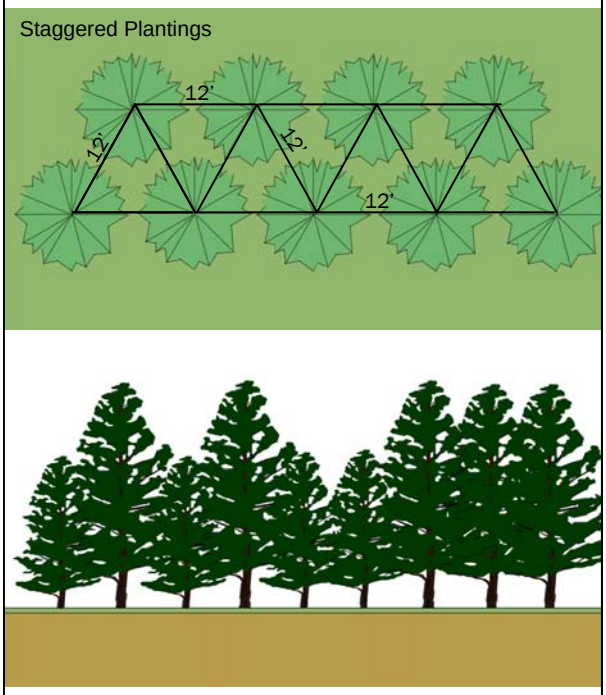
G. Buffering or Screening Requirements

i. Screening between Land Uses. Upon any improvement or change in use for which a site plan is required, a landscape buffer shall be provided to create a visual screen at least eight (8) feet in height along all adjoining boundaries of a non-residential use or a residential use of higher density and an abutting single family residential zoned property. At the discretion of the Planning Commission, modifications to the required screening may be permitted when alternative screening methods, existing site conditions and/or use of the properties would meet the intent of this Section. The overall height of the visual screen may include the combination of landscape berm and plant material and/or decorative screening walls.

a. When using evergreen trees to meet the screening requirements, plantings shall be spaced no more than twelve (12) feet apart measured on center (depending on their planting size) and shall be planted in staggered or a clustered pattern with varying tree heights to provide for optimal screening and create a natural looking buffer, see Figure 5.11.2.B.i and 5.11.2.G.i.a. When using a staggered pattern the minimum spacing between rows shall be six

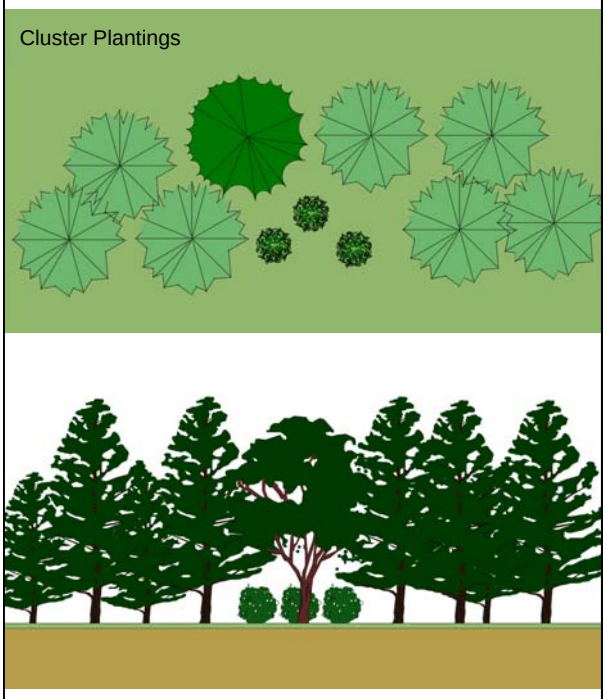
5.11.2.G.i.a LANDSCAPE SCREENING PLANTING PATTERNS

Staggered Plantings



12 Feet Distance Measured at Centerline of Trees
Evergreen Trees Planted in a Staggered Pattern
Minimum Spacing Between Rows Shall be 6 Feet
Varied Size of Trees for More Natural Plantings

Cluster Plantings



Evergreen and Deciduous Plantings Where Screening is Not Necessary for Entire Length of Plantings
Staggered Plantings
Varied Size of Trees for More Natural Plantings

©clearzoning

(6) feet. In no case shall the trees be less than eight (8) feet in height. Additional deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year.

b. At the discretion of the Planning Commission, a berm greater than five (5) feet in height may be required and/or a decorative wall or fencing. If a decorative wall or fencing is used, landscaping shall be required on the side(s) of the wall facing the residential or agricultural zoned district, visible to the public from the site or adjacent to a developable property. The Planning Commission may require additional plantings adjacent to the wall and development site.

ii. Screening Parking Lots from Public Roads. Parking lots shall be screened from the public roads in accordance with Section 5.11.2.E Perimeter Parking Lot Landscaping.

iii. Screening of Ground Mounted Equipment. Mechanical equipment, such as utility cabinets, transformers, satellite dish antennae a minimum of thirty (30) inches in height, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting. Screening of mechanical equipment may also be provided using fences or walls when landscaping is not permitted due to equipment clearance and easement restrictions.

H. Landscaping Requirements for Detention/ Retention Areas. Detention/retention ponds shall be integrated into the overall design of the property and landscaped to provide a natural setting. The design and construction of the detention/retention systems shall be in accordance with Hartland Township Engineering Design Standards. When the detention/retention area is in the form of a basin, the following requirements shall apply:

i. Basins shall have a natural, free-form shape, following existing natural topography to the greatest extent possible. If the site is generally flat, the basin shall be shaped to emulate a naturally formed depression. The basin should be a natural shape, and not square, rectangle or other geometric shape. Side slopes should be varied and undulating, rather than having a uniform grade.

ii. Basins with side slopes that require fencing are prohibited in front and side yards. When a rear yard basin requires a fence, the fence shall be a decorative style. Chain link fence is prohibited in any circumstance. Side slopes shall not exceed one (1) foot vertical for every five (5) feet horizontal.

iii. A combination of natural stone and landscape materials shall be used to replicate the natural environment and integrate the area with the overall landscape design. Where a basin is designed to have permanent water, a fountain or other water feature may be used.

iv. A mixture of landscape materials, including evergreen and canopy/ deciduous trees, shrubs and other substantial plant material shall be planted in a random pattern or groupings. At a minimum one (1) canopy or evergreen tree and ten (10) medium deciduous or evergreen shrubs or six (6) large deciduous or evergreen shrubs or ornamental deciduous trees shall be planted for every fifty (50) linear feet of pond perimeter as measured along the top of the bank elevation. Plantings shall be integrated into the overall site design and may be surrounding and within the basin(s).

v. Where appropriate, the stormwater collection system may include bioswales, rain gardens and other features that allow run-off water to flow through vegetation prior to entering the stormwater management system. Oil and sediment filters, and other best management practices to control the quality of water entering the system are encouraged.

3. Standards for Landscape Materials

Unless otherwise specified, all landscape materials shall comply with the following standards:

A. Plant Quality. Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in southeastern Michigan, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations. Plants shall be No. 1 grade with straight unscarred trunk and well developed uniform crown (park grade trees will not be accepted). Plant materials installed in locations in close proximity to areas exhibiting environmental impacts (for example, exhaust fumes, salt runoff) commonly associated with motorized vehicles shall be hardy under such conditions.

B. Non-Living Plant Material. Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Section.

C. Plant Material Specifications

i. Landscaping shall be varied to enhance design creativity and minimize possible landscape loss caused by specie specific disease. Variations to the species shall continue to provide unity in the overall site design. Tree species shall be required to meet the level of diversity noted in the table that follows.

5.11.3.C.i Plant Diversity	
Required Number of Trees/Shrubs	Minimum Number of Species
10 to 30	2
31 to 60	3
61 to 100	4
More than 100	5

ii. The use of native plant materials to the area and Southeast Michigan and mixture of trees from the same species association is encouraged. Following is a list of suggested plant materials by category:

5.11.3.C.ii Suggested Plant Materials	
Common Name	Genus
Ornamental Trees	
Serviceberry	Amelanchier
Dogwood (Tree Form)	Cornus
Flowering Crabapple	Malus
Flowering Pear	Pyrus
Flowering Plum (Tree Form)	Prunus
Hawthorn	Crataegus
Hornbeam	Genus
Magnolia	Magnolia
Redbud	Cercis
Rose of Sharon	Hibiscus
Narrow Evergreen Shrubs (Large Shrubs)	
Arborvitae	Thuja
Juniper	Juniperus
Yew	Taxus
Deciduous Shrubs (Medium or Small Shrubs)	
Barberry	Berberis
Boxwood	Buxus
Currant	Ribes
Euonymus	Euonymus
Forsythia	Forsythia
Holly	Ilex
Hydrangea	Hydrangea
Lilac	Syringa
Potentilla	Potentilla
Privet	Ligustrum
Quince	Chaenomeles
Spiraea Rosa	Shrub Rose
Viburnum	Viburnum
Weigela	Weigela
Evergreen Shrub (Medium or Small Shrub)	
Arborvitae (Globe/Dwarf)	Thuja
False Cypress	Chamaecyparis
Juniper /Spruce (Low Spreading)	Juniperus / Picea
Yew (Globe/Spreading/Upright)	Taxus

5.11.3.C.ii Suggested Plant Materials (continued)	
Common Name	Genus
Shade or Canopy Trees	
Beech	Fagus
Birch	Betula
Hard Maples (Sugar, Red)	Acer
Hackberry	Celtis
Hickory	Carya
Hornbeam (Blue Beech)	Carpinus
Hophornbeam (Ironwood)	Ostrya
Quercus	Oak
Clump Form Trees	Variety
Evergreen Trees	
Douglas Fir	Pseudotsuga
Fir	Abies
Hemlock	Tsuga
Pine	Pinus
Spruce	Picea
Groundcovers, Vines and Flower/Grass	
Groundcovers, Vines and Flowers/Grasses should be used as accent materials. All materials shall be selected for their suitability and appearance in the proposed planting area. Materials such as Black Eyed Susan, Dianthus, Phlox, Gaillardia, Sedum are considered to be hardy in southeast Michigan gardens.	

iii. Use of plant materials that cause disruption to storm drainage or that are susceptible to pests or disease are not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

a. Ashes
b. Elm (American and Siberian)
c. Box Elder
d. Tree of Heaven
e. European Barberry
f. Northern Catalpa
g. Poplar
h. Willow

i. Maple (Amur, Norway & Silver)

j. Ginkgo (Female)

k. Goldenraintree

l. Black Locust

m. Honey Locust (with thorns)

n. Horse Chestnut (Nut Bearing)

o. Cottonwood

p. Mulberry

q. Amur Cork Tree

iv. The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

a. Canopy Trees. Deciduous canopy trees shall be a minimum of three (3) inches in caliper measured six (6) inches above grade with the first branch a minimum of four (4) feet above grade when planted and not to exceed seven (7) feet above grade when screening is desired.

b. Other Deciduous and Columnar Trees. These may be included as part of the overall landscape site design but are generally not considered. At time of planting, the tree height shall be a minimum of twelve (12) feet in height.

c. Small Deciduous Ornamental Trees and Large Shrubs. Small deciduous ornamental trees/ shrubs shall be a minimum of two (2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted or six (6) feet in height from clump varieties.

d. Evergreen Trees. Evergreen trees shall be a minimum of eight (8) feet in height when planted, except as otherwise specified in this ordinance. Furthermore, evergreen trees used for screening shall have a minimum spread of five (5) feet at time of planting. Columnar evergreen trees may be included as part of the overall landscape site design.

e. Deciduous and Evergreen Shrubs. Large shrubs shall be a minimum of thirty (30) inches in height and twenty-four (24) inches in spread when planted when used to screen or buffer, unless otherwise specified in this Ordinance.

f. Deciduous and Evergreen Shrubs Small deciduous and evergreen shrubs shall be a minimum of eighteen (18) inches when planted and shall not be used for screening purposes. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

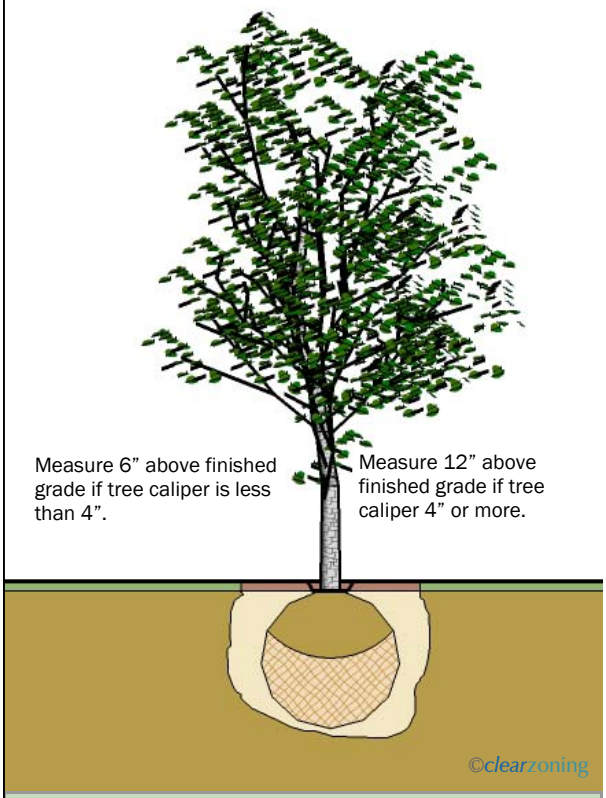
g. Ground Cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

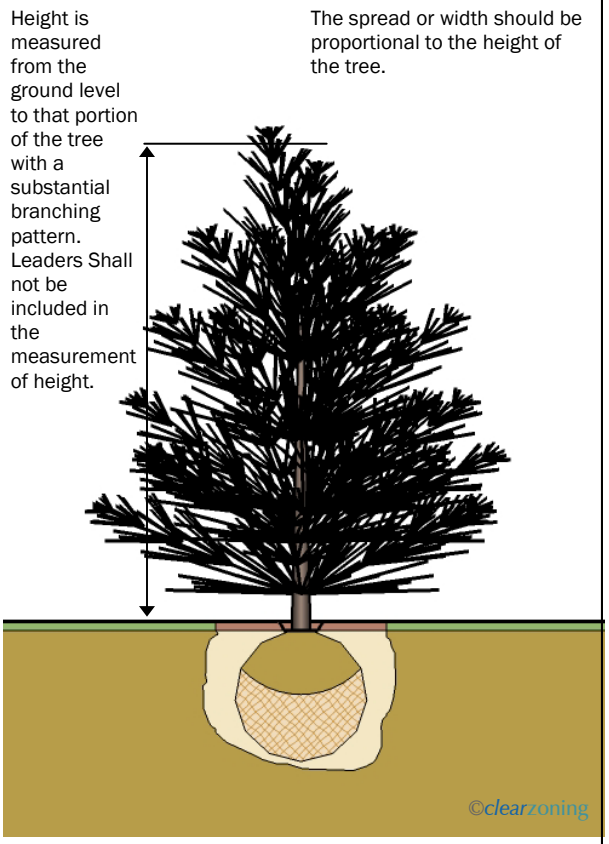
h. Perennials/Annuals/Ornamental Grass. Perennials/Annuals/ Ornamental Grass are to be used as accent plantings in addition to the required trees and shrubs.

i. Grass. Grass area shall be planted using species normally grown as permanent lawns in southeast Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

j. 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, shrubs, and vines shall be a maximum of four (4) inches deep and shall be pulled three (3) inches away from the trunk. Mulch shall be contained within its respective planting areas through

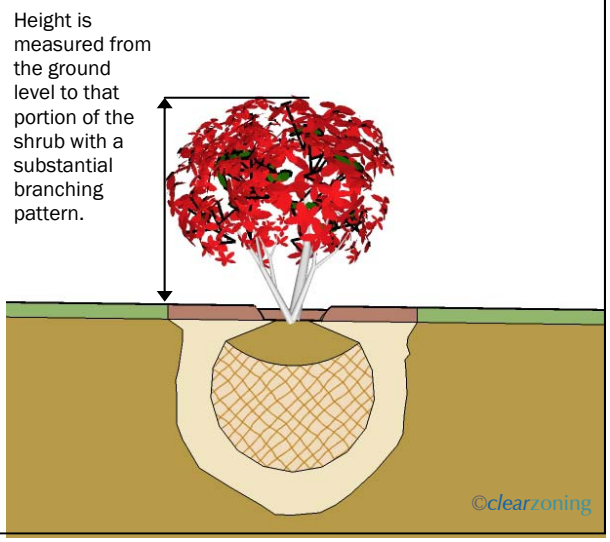
PLANT MATERIAL PRINCIPLES





General Planting Standards

- Do not prune leader of branch tips.
- Remove nursery applied tags or labels.
- Stake tree (2 at 180 degrees) as defined in the Harland Township Planting Detail.
- Mulch 3"-4" deep leaving 3" of bare soil around the trunk.
- Remove burlap, plastic, rope and wire exposing top half of rootball.
- Prune away dead or broken branches.



the installation of edging material or curbing.

4. Installation, Irrigation and Maintenance. The following standards shall be observed where installation and maintenance of landscape materials are required:

   A. Minimum Standards

      i. Time of planting. Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, and planting beds shall be generously mulched at the time of planting.

      ii. Irrigation. All landscaped areas shall be provided with an irrigation system in accordance with Section 5.11.2.A.viii, Irrigation.

      iii. Support Material Removal. Where required, tree stakes, guy wires and tree wraps are to be removed after one year.

   B. Off-Season Planting Requirements. If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 6.4, Performance Guarantees.

   C. Phased Projects. Projects that are developed in phases may construct and install landscaping to coordinate with the development schedule. A phasing landscape plan shall be submitted at time of site plan review. Prior to beginning the initial or any subsequent phase, all screening required along the property boundaries adjacent to residentially zoned or used property shall be installed. Where screening material would be destroyed during construction, interim planting materials may be required.

   D. Maintenance. Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse, debris and weeds. All unhealthy and dead plant material shall be replaced immediately, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. The developer or owner(s) shall insure perpetual and mandatory maintenance and/or replacement of vegetative plantings pursuant to the approved landscape plan.

   E. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Elements approved as part of Site Plan approval shall, when necessary, be replaced pursuant to the approved plan.

5. Treatment of Existing Plant Material. The following regulations shall apply to existing plant material:

   A. Consideration of Existing Elements in the Landscape Design.

      i. 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 Ordinance. In order to satisfy the landscape requirements the preserved trees shall be of high quality and a minimum of four (4) inch caliper measured twelve (12) inches above grade and located within the developed portion of the site.

      ii. In no case shall the minimum number of required trees be reduced by more than 50% through the use of the preserved trees.

      iii. Existing trees, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this Section.

   B. Preservation of Existing Plant Material

      i. 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 eight (8) inches or greater in caliper, measured four and one-half (4.5) feet above grade.

      ii. 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.

iii. In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree. A modified landscape plan shall be submitted to the Township showing the replacement of the damaged or removed tree and the proposed replacement to the Zoning Administrator for review and approval. The Zoning Administrator, at his/her discretion, may require Planning Commission review and approval.

6. Specific Landscaping Requirements

A. Requirements for LC, Limited Commercial and STR, Settlement Residential Districts. Because of the typical small lot size and compact character of the settlements in which these two zoning districts are located, site landscaping requirements shall be as follows for non-residential uses:

i. General Site Landscaping. All developed portions of the site shall conform to Section 5.11.2, General Requirements.

ii. Landscaping Adjacent to Road. Street trees shall be provided and maintained where feasible. Landscaping shall be consistent with the streetscape design as provided by the Township, if applicable.

iii. Screening. Upon any improvement or change in use for which a site plan is required, a landscape buffer shall be provided to create a visual screen at least eight (8) feet in height along all adjoining boundaries of a non-residential use or a residential use of higher density than an abutting single family residential zoned property. At the discretion of the Planning Commission, modification for screening may be allowed pursuant to Section 5.11.7, Modification to Landscape Requirements.

iv. Utility Clearance. See Section 5.11.2.A.vi.

B. Requirements for Single Family Residential Districts. Single Family Residential properties are encouraged to plant and maintain landscaping which provides a good street side appearance, is a mixture of deciduous and evergreen plantings and is in-keeping with the character of the surrounding area. The following requirements are required for all single family detached residential properties and is in addition to the requirements for residential developments that are approved through the Site Plan Review process.

i. General Site Landscaping. All unpaved portions of the front yard shall be planted with grass, ground cover, shrubbery, or other suitable live plant and landscape bed material, which shall extend to any abutting street pavement edge.

ii. Maintenance of Unobstructed Visibility. No landscaping shall be established or maintained on any parcel that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions set forth in Section 5.1, Clear Vision Area.

iii. Utility Clearance. See Section 5.11.2.A.vi.

7. Modifications to Landscape Requirements

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 Ordinance. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

A. 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.

B. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

C. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this Ordinance.

5.12 SIDEWALKS AND PATHWAYS

The Planning Commission may require sidewalks or safety paths as a condition of site plan approval where deemed necessary to facilitate safe pedestrian and non-motorized travel. Sidewalks shall be subject to the following regulations:

1. General Requirements

   A. Location and Width. The Planning Commission may modify the following requirements consistent with the location of utilities, existing landscaping, or other site improvements:

      i. All required sidewalks shall be five (5) feet in width and shall be located one (1) foot inside the planned right-of-way.

      ii. Sidewalks abutting parking lots shall be a minimum of seven (7) feet in width.

      iii. All required bike paths shall be a minimum of eight (8) feet in width and shall be located one (1) foot inside the planned right-of-way.

   B. Design Standards. Required sidewalks shall be constructed in accordance with established engineering standards for the Township.

   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. Signage. The Planning Commission may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the sidewalks.

   E. Maintenance. The owner of the property which 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.

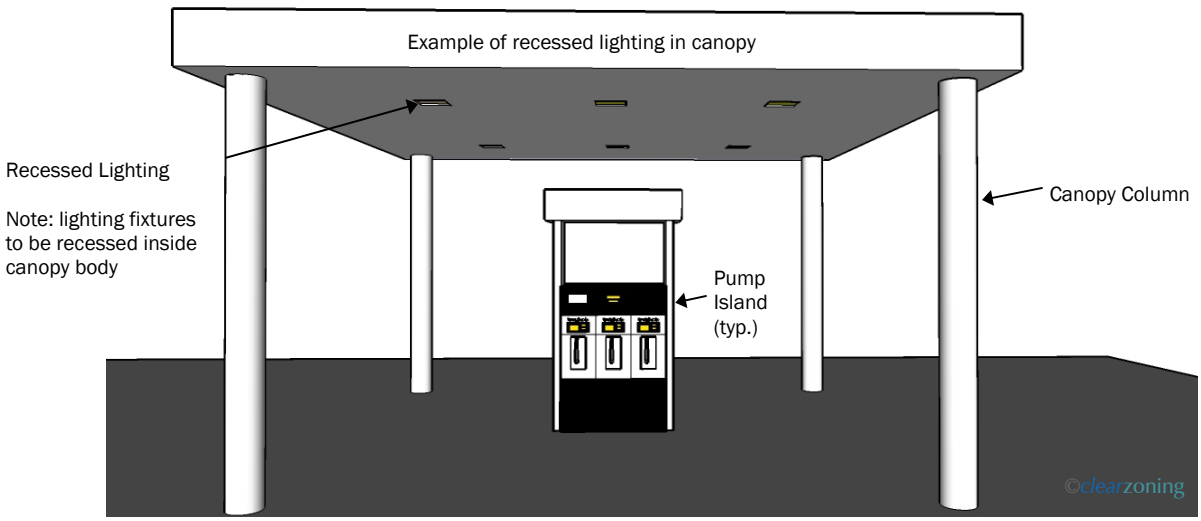
   F. Permits. It shall be the responsibility of the owner or developer to secure any required permits from the Livingston County Road Commission or Michigan Department of Transportation to allow sidewalk construction in the road right-of-way.

5.13 LIGHTING

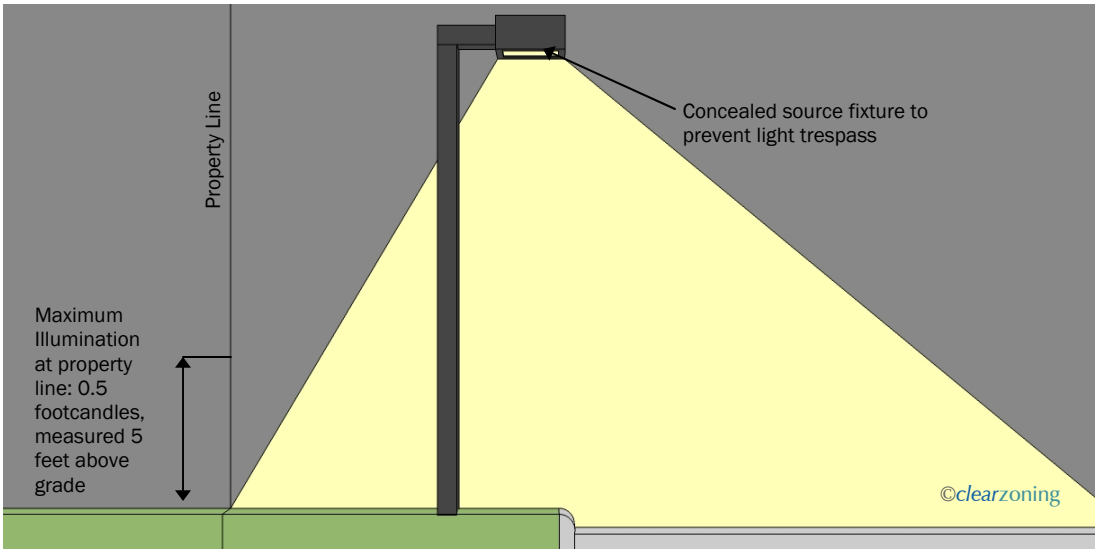
Subject to the provisions set forth herein, open space and recreational uses, all non-single family residential parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

1. Permitted Lighting. Only downward-directed, fully shielded, concealed-source lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjacent properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare or interfere with the vision of motorists. Fixtures attached to canopies or eaves of a building or structure shall be recessed and flush with the surface of the structure. Low voltage, upward-directed lighting for flags, landscaping or other decorative feature, with the exception of searchlights, may be permitted by the Planning Commission.

5.13.1 PUMP ISLAND CANOPY LIGHTING



LIGHTING FIXTURE ORIENTATION AND SHIELDING



2. Intensity. For commercial, office, industrial and multiple-family residential:
   A. The level of lighting shall not exceed 0.5 footcandles at any adjacent residential property line or 1.0 footcandles at any adjacent non-residential property line. The light intensity shall be measured at 5 feet above ground level on a vertical plane.
   B. The average footcandles shall be between 2.4 and 3.6 in the main parking area and an average of 5.0 footcandles at the main building entrance and entry/exit drive measured at 5 feet above the ground level on a vertical plane.
   C. The level of lighting shall not exceed 10 footcandles at any location on the site.
   D. For vehicular canopies the level of lighting shall not exceed an average of 5.0 footcandles. The canopy fixtures shall be installed so that the lens cover is recessed so that the fixture is adequately shielded.
3. Height. Except as noted below, lighting fixtures shall not exceed a height of twenty-five (25) feet or the height of the principal building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven (7) feet above ground level.
4. Sign Lighting. Sign illumination shall be in accordance with the regulations set forth in Section 5.26, Signs.

5. Soffit or canopy lighting shall be installed so the lens cover is recessed and the fixture is flush with the building.
6. Subdivision Entrances. All subdivision and site condominium development road entrances shall be lighted and shall be subject to review by the Planning Commission.
7. Site Plan Requirements.
   A. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.
   B. A detail of the lighting fixture, including manufacturer's specifications for shielding, wattage and illumination, shall be provided on a site plan. The location and height of all fixtures shall be noted on the site plan. The Planning Commission may require a photometric plan, if determined necessary to evaluate compliance with this provision.
8. Modifications. The Planning Commission may modify these lighting standards based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located.

5.14 ACCESSORY STRUCTURES AND USES

Except as otherwise permitted in this Ordinance, all accessory structures and uses shall be subject to the regulations that follow:

1. General Requirements
   A. Timing of Construction. No accessory building or structure shall be constructed or use established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land, except for permitted accessory agricultural buildings, structures or uses.
   B. Site Plan Approval. If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.
   C. Nuisances. Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance. These restrictions shall not be construed to limit or prevent farm operations otherwise permitted under the Michigan Right to Farm Act.
   D. Conformance with Lot Coverage Standards. Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.
   E. Location in Proximity to Easements or Rights-of-Way. Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

      Upon submitting a written agreement between the property owner and the grantor of the easement, the Zoning Administrator may permit the installation of fencing, landscaping or other improvements. This document shall be in recordable form and submitted to the Livingston County Register of Deeds prior to a land use permit being issued.
   F. Use of Accessory Structures. Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation, except a permitted home occupation. Except for a permitted home occupation as defined in Section 2.2, an accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or materials used by the occupants of the residence to which it is an accessory.
   G. Applicability of Other Codes and Ordinances. Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.
   H. Conformance with Schedule of Regulations. All accessory buildings and structures in any District shall adhere to the pertinent requirements detailed in Section 3.1, Districts Established.

2. Attached Accessory Buildings. Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purpose of determining conformance with area, setback, height, and bulk requirements.
3. Accessory Structures
   A. General Requirements. Accessory structures (for example, tennis courts, wind generators, antennae) shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance.
   B. Exceptions to Accessory Structure Standards. Antennae and wind generators shall comply with the height standards specified in Sections 5.2 and 4.8.
   C. Solar Panels. Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard, subject to setback requirements for accessory buildings.
   D. Private Swimming Pools
      i. Location. Private swimming pools shall be permitted as an accessory use in the rear or side yard in residential districts, provided that pools in the side yard of parcels that are two (2) acres or smaller shall be screened from the road. Pools shall not be located in any road or utility right-of-way or easement, except as provided in this Section. Positive drainage shall be maintained in accordance with the Township's Engineering Design Standards.
      ii. Setbacks. Private swimming pools and their associated decks or hard surface surrounds shall comply with the setback requirements for an accessory structure. The pool surrounds, including all decks and impervious perimeters shall be calculated as part of the maximum lot coverage. Pools shall be constructed no closer than ten (10) feet to any building on the same parcel.
      iii. Fencing. Private swimming pools shall be enclosed within a minimum four (4) foot high fence. All fences shall be subject to the requirements in Section 5.20. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available to children to open. Gates shall be securely locked when the pool is not in use. A fence shall not be required for pools that are wholly or partially above ground, provided that the wall of the pool is at least four (4) feet in height and that no ladder, deck or other structure provides access to the pool while it is unattended.
   E. Private Play Equipment
      i. Play structures or equipment may consist of climbing and sliding apparatus, swings and open air platforms and ramps that are less than fifteen (15) feet in height.
      ii. A playhouse designed exclusively for use as a children's play area may be permitted, but shall not exceed eight (8) feet in height and eighty (80) square feet in floor area.
      iii. Children's play equipment covering less than one hundred fifty (150) square feet of land area may be permitted in a required side or rear yard, but shall be located at least five (5) feet from any property line.

5.15 USE OF YARD SPACES AND OTHER OPEN AREAS FOR STORAGE

1. Outside Storage. There shall be no outside storage of unlicensed vehicles, which are required to be registered by law, permitted in any residential lot. This shall not be applicable to new or used car lots and junk yards. No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without a current license, shall be stored, parked, abandoned or junked in any open area that is visible from the street, public place or adjoining residential property.
2. Yards. Unless otherwise provided for in this Ordinance, no yard surrounding a dwelling, building or structure, except farm dwellings, shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily, or shall be used for the location, parking, disposition, storage, deposit or dismantling in whole or in part of

junk vehicles, machinery, used building materials or other discarded, disused or rubbish-like materials, equipment or structures.

5.16 WATER SUPPLY AND WASTEWATER DISPOSAL

1. Water Supply and Sewage Disposal Required. All developments in all zoning districts must be served by an approved public or common water supply and sanitary sewer facilities or utilize on-site systems that can be demonstrated to be appropriate to the specific location chosen and the level of utilization envisioned.
2. Fire Hydrants. All development having access to public or common water systems shall be required to provide fire hydrants in accordance with the Hartland Township Fire Ordinance.
3. Approval. In all cases where an on-site water or sewage system is proposed, plans, drawings and/or other background materials shall be presented to the appropriate county or state agency for their review and approval as appropriate.
4. Maintenance Provisions. In all instances in which on-site sewer or water systems are utilized, the developer shall provide for mandatory and perpetual maintenance of such systems through the use of deed restrictions or other appropriate legal devices which shall provide for participation in said maintenance costs by each owner of the projected development.

5.17 NATURAL FEATURES PROTECTION: WOODLANDS

The standards of this section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare and quality of life in Hartland Township. These standards are intended to prevent the unnecessary removal of woodlands prior to, during and following construction on a site. The standards of this section, in conjunction with the standards for site plan review, are mechanisms to promote goals of the Hartland Township Comprehensive Plan.

1. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch caliper or greater on a site shall first notify the Township of the intent of such clearing and/or earth change and submit a proposed sketch plan describing the sites features for review and approval by the Planning Commission.
2. This section shall not prevent tree clearing for approved building envelopes, swimming pools, decks, essential services, utility lines or construction drives; nor shall this ordinance prohibit site alterations for farming purposes. The Planning Commission may grant an exception from the caliper standard for select clearing of lower quality species including box elders, poplars, willows, and cottonwoods.

5.18 RESERVED

5.19 PERFORMANCE STANDARDS

1. Intent. & Scope
   A. Intent. 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.
   B. Scope of Application. After the effective date of this Ordinance, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Section. No site plan shall be approved unless evidence is presented to indicate conformity with the requirements of this Section. Compliance with these standards is required at time of construction and with any change of operations.
   C. 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 and welfare will result and that the intent of this Ordinance will be upheld.
2. Performance Standards. No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use

produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this Section.

A. Noise.

i. Disturbances Prohibited. No person shall make, continue, or cause to be made or continued, any noise disturbance. Examples of noise disturbances include, but are not limited to:

a. Sounds Which Exceed Limits in Table A . Any sound which exceeds the limits set forth in Table A, following, shall be deemed a Noise Disturbance.

5.19.2.A..i.a Maximum Permitted Average A - Weighted Sound Levels

Receiving Zoning District	Time	Average Sound Level, db(A)
Residential	7:00 am to 10:00 pm; 10:00 pm to 7:00 am	55 50
Commercial & Industrial	7:00 am to 6:00 pm; 6:00 pm to 7:00 am	65 55

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 8:00 pm and 7:00 am 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 there from creates a noise disturbance across a residential district boundary or within a noise sensitive zone, between the hours of 8:00 pm and 7:00 am on Monday through Saturday or any time on Sundays or holidays. This provision shall not apply to emergency work of public service utilities, or servicing of wells and septic systems.

d. Vibration. Operating of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this section, vibration perception 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.

e. Noise Sensitive Zones. Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the values shown in Table 5.19.2.A.i.a, provided that conspicuous signs are displayed indicating the presence of the zone.

ii. Exceptions.

a. Emergency Exceptions. The provisions in this section shall not apply to (a) the emission of sound for the purpose of alerting persons to existence of an emergency, or (b) the emission of sound in the performance of emergency work.

b. Additional Exceptions. The provisions in this section shall not apply to the following activities, provided that such activities are conducted in a legal manner:

(1) Snow plowing, street sweeping, and other public works activities.

(2) Agricultural uses.

(3) Church bells, chimes, and carillons.

(4) Lawn care and house maintenance that occurs between 8:00 am and 9:00 pm.

(5) Licensed vehicles being operated on a road or street.

(6) Trains and aircraft when on the ground.

iii. Reserved

iv. 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 Table 5.19.2.A.i.a, 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.

a. Correction for Tonal Sounds. For any source of sound which emits a pure tone sound, the maximum sound level limits 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 which emits an atypical impulsive or impact-type sound, the maximum sound level limits in shall be reduced by 5 dB (A) where the receiving district is residential or commercial-noise sensitive. Such sounds may be characterized by duration, beat frequency, or periodic character.

c. Planned Development. Where the receiving district is a planned development district, the applicable standard above shall be based on the types of uses within the planned development.

B. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion. Dust, smoke, soot, dirt, fly ash, and products of wind erosion that will be produced as a result of site operations shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, 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 readily detectable 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, eloquesent salts, wetting, covering, landscaping, fencing, or other means.

C. Odor. Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, in the determination of the designated Township official, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

D. Lighting, 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 (1/2) of one (1) foot candle when measured at any point along the property line of the site on which the operation is located. Any operation which 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.

E. Fire and Safety Hazards

i. General Requirements. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the state Fire Prevention Act, Michigan Public Act 97 of 1941, as amended. Fire fighting and fire protection equipment acceptable to the Board of Fire Underwriters shall be readily available at the site.

ii. Storage Tanks. All storage tanks for flammable liquid materials above

ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by an impermeable structure capable of containing one and one half (12) times the capacity of the largest tank so enclosed. The potential contact surface 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 which hold propane or other fuel used for heating a dwelling or other building on the site.

Below-ground bulk storage tanks which contain flammable material shall conform to Michigan Public Act 165 of 1985, as amended, and be registered with the Michigan State Police Fire Marshall. The location and contents of all such tanks shall be indicated on the site plan.

iii. Detonable Materials. The storage, utilization, or manufacture of detonable materials shall be permitted subject to approval by the Fire Chief and the restrictions in the following table:

5.19.2.E.iii. Storage of Detonable Materials	
Proposed Activity	Restrictions
Storage, Utilization or Manufacture of 5 lbs. or less	Permitted Accessory Use in LI and I District
Storage or Utilization of Over 5 lbs.	Special Use in LI and I District
Manufacture of Over 5 lbs.	Special Use in the I District

Detonable materials covered by these requirements include, but are not necessarily limited to the following:

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, pyrodex, 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 nitroglycerine.

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. Gunpowder for personal use otherwise permitted by law, and legal fireworks shall be exempt from these requirements.

F. 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 but not limited to, Hartland Township, the Michigan Department of Health, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, the Livingston County Health Department, and the U.S. Environmental Protection Agency. The location, storage, or discharge of any materials in a manner that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, or plant life is prohibited.

G. Stationary Source Emissions. Emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations. Compliance with all air discharge permits is required.

H. 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.

I. Radioactive Materials. Radioactive material wastes and emissions, including electromagnetic radiation such as from an x-ray machine, shall not exceed levels established by state and Federal agencies which 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.

3. 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, or the performance standards contained in Article 7, the following procedures shall be used to investigate, and if necessary, resolve the violation:

A. Official Investigation. Upon receipt of evidence of possible violation, the Zoning Administrator shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator shall notify the owner or operation of a facility that a report of a suspected violation has been received. The Zoning Administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Administrator 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 and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

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

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

iii. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Article. The test methods should be specified by the applicant or its laboratory at the time of application.

iv. Measurement of the amount or rate of emissions of the material purported to be in violation.

v. Copies of permit applications.

B. Method and Cost of Determination. The Zoning Administrator shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Administrator 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 specialized equipment or instruments shall be secured in order 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

necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Administrator 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 specialized equipment or instruments shall be secured in order 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 the costs of this determination shall be paid by the Township.

C. Violations. The violation of any provision of this Section by any person, firm, corporation or agent, employee, contractor, or subcontractor of same or anyone else acting on behalf of said person, firm or corporation shall be a municipal civil infraction as provided by the Municipal Infaction Ordinance.

5.20 WALLS AND FENCES

1. Obscuring Walls And Fences. Where permitted or required by this Ordinance, obscuring walls and fences shall be subject to the requirements in this Section. An obscuring wall or fence is one where more than fifty (50%) percent of the vertical surface is opaque so as to obstruct vision or prevent observation of activities enclosed in the fence.

   A. Location. Required obscuring walls and fences shall be placed inside and adjacent to the lot line except in the following instances:

      i. Underground Utilities. Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line.

      ii. Front Setback Requirements. Where this Ordinance requires conformance with front setback standards in the STR and LC districts, the Planning Commission may modify or waive the wall or fence requirements provided the intent of this Section is complied with.

   B. Time of Construction. Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence, in which case the wall or fence shall be constructed as soon as feasible after construction commences and prior to beneficial occupancy of the site.

   C. Wall and Fence Specifications

      i. For the uses and districts listed below, an obscuring wall or fence may be used as all or part of required screening along property lines that abut land zoned CA, STR, RR, SR, MDR, HDR, MR, or MR-2 District or a PD parcel that is used for residential purposes. The height of the wall or fence shall be measured from ground level adjacent to the wall or fence, provided that fill shall not be permitted for the purpose of achieving a higher fence than otherwise would be permitted.

5.20.C.i Wall and Fence Specifications

Proposed Use	Obscuring Wall or Fence Height Requirements	
	Minimum	Maximum
Off-Street Parking	4.5 feet	8.0 feet
Office or Commercial District	4.5 feet	8.0 feet
Industrial District	6.0 feet	12.0 feet
Utility Buildings, Substations	6.0 feet	8.0 feet

      ii. Chainlink fence with slats shall not be permitted as a required obscuring wall or fence.

   D. Substitution or Waiver

      As a substitute for a required obscuring wall or fence, the Planning Commission may approve the use of other existing or

proposed living or man-made landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. Any such substitute screening shall comply with the applicable requirements in Section 5.11.2. The Planning Commission may waive the requirements for an obscuring wall or fence upon making the determination that:

i. The adjoining residential district is in transition and will become nonresidential in the future, or

ii. Existing physical features provide adequate screening, or

iii. The abutting residential district is a sufficient distance (at least two hundred (200) feet) from the area or district to be screened so that the Planning Commission determines the screening is unnecessary to meet the intent of the Ordinance, or

iv. The abutting residential district is separated from the area or district to be screened by an arterial or collector road.

E. Non-Required Fences in Non-Residential Districts. Fences, other than required obscuring walls and fences, shall be permitted in non-residential districts, subject to the following conditions:

i. Location. Fences shall be permitted in the rear or side yard of non-residential districts, provided that no fence shall extend closer toward the front of the lot than any portion of the principal structure. These restrictions shall not apply to agricultural uses.

ii. Height. Fences in non-residential districts shall not exceed eight (8) feet in height in the office or commercial districts or twelve (12) feet in height in the industrial districts.

2. Fences And Walls in Residential And Agricultural Districts

A. Fences in the RR, STR, SR, MDR, HDR, MR and MR-2 Districts. Fences in the RR, STR, SR, MDR, HDR, MR and MR-2 Districts or in a residential PD District may be located in the required side or rear yard subject to the following requirements:

i. Maximum Height. The maximum height shall be six (6) feet for fences located in the rear or side yard and no closer to the front lot line than the front wall of the principal building.

ii. Location. No fence shall be permitted closer to the front lot line than the front wall of the principal building.

iii. Fences on Corner Parcels. On corner lots the following regulations shall apply on the yard facing a road:

a. A six (6) foot high fence shall be permitted provided it does not extend closer to the street than any portion of the principal dwelling.

b. A thirty (30) inch high fence may be erected in the setback area, provide that any such fence shall be non-obscuring in design.

c. An obscuring fence not more than six (6) feet in height shall be permitted in a side or rear yard setback that does not front on a road.

iv. Exemption. Fences on parcels which are greater than two (2) acres in area, or which are not within the boundaries of a recorded plat or condominium shall be subject to the requirements for the CA District, Section 5.20.2.B.

B. Fences in the CA District. Fences in the CA District may be located in the required front, side and rear yard subject to the following requirements:

i. Maximum Height. The maximum fence height shall be eight (8) feet.

ii. Fence Design. Fences over four (4) feet in height in the required front setback shall be non-obscuring in design.

C. Fences that Enclose Public Areas. Fences which enclose public parks, playgrounds, or similar public areas located within a developed residential area shall not exceed six (6) feet in height, measured from the surface of the ground. No greater than twenty-five (25) percent of the vertical surface of such fences shall be opaque so as to obstruct vision.

D. Walls in Residential and Agricultural Districts. Walls shall be permitted only in the side or rear yards of residential and

agricultural districts, subject to the following requirements:

i. General Standards. The maximum wall height shall not exceed six (6) feet, measured from ground level adjacent to the wall, provided that fill shall not be permitted for the purpose of achieving a higher wall than otherwise would be permitted.

ii. Walls on Corner Parcels. On corner parcels, walls shall not be permitted to extend closer to the road than any portion of the principal building.

E. Entranceway Structures. Entrance to Residential Developments. Residential subdivision entranceway structures, such as walls, columns or gates which mark the entrance to a single family subdivision or multiple family development, shall be permitted in the required setback area, provided that:

i. Entranceway structures shall not exceed eight (8) feet in height.

ii. Entranceway structures shall not be located in the existing or planned right-of-way and shall be setback so as not to obstruct the clear vision area.

iii. Such structures shall not restrict emergency vehicle access.

3. General Fence and Wall Standards

A. Corner Clearance. Walls and fences shall comply with the specifications for maintenance of clear vision in Section 5.1 of this Ordinance.

B. Wall, Fence and Gate Materials.

i. Walls shall be constructed of durable materials that are architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

ii. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Razor wire shall not be permitted. Fences that carry electric current shall be permitted only in conjunction with an agricultural use, provided that any such fence shall be set back at least 18 inches from all property lines. Barbed wire may be permitted in non-residential districts, provided that the barbed wire is at least six (6) feet above the ground as a cradle on top of the fence. Wood fences shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, or similar durable wood-like materials.

C. Finished Appearance. If, because of the design or construction, one side of a fence or wall that is located on the property line or within two feet of the property line has a more finished appearance than the other, the side of the fence or wall with the more finished appearance shall face the exterior of the lot, except in the CA District.

D. Obstruction to Use of Adjoining Property. No fence or wall shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence or wall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other legal means of access to adjacent property. In enforcing this provision, the Zoning Administrator may require a fence or wall to be set back a minimum distance from a driveway or property line.

E. Fence and Wall Maintenance. Fences and walls shall be maintained in good condition. Rotten, crumbled or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

5.21 RESERVED

5.22 PAVED ACCESS

1. All roads in a subdivision or condominium development shall be hard surfaced. All access routes shall connect with publicly dedicated hard surfaced roads.
2. All development(s) shall front upon and take access from a hard surfaced road in the MR, OS district.
3. All development must provide hard surfaced access to a public primary or secondary hard-surfaced road in the NSC, GC, RDP, LI and I district.

5.23 RESIDENTIAL PRIVATE ROAD AND DRIVEWAY STANDARDS

1. Intent and Scope

   A. Intent. This Section is intended to protect and promote the public health, safety, comfort, convenience, and general welfare of the Township of Hartland by regulating the location and design of private roads, driveways and shared driveways and to establish minimum standards and specifications for the construction of private roads and shared driveways and regulate the connection of driveways to private roads and shared driveways. These regulations and minimum standards are necessary to ensure that private roads and shared driveways remain passable in all weather conditions and are adequate to provide safe, year-round access by fire, police and other public and emergency vehicles. They are also necessary to insure proper layout, and design of roads in order to form a functional street transportation network, to promote and coordinate effective and energy efficient development, to protect the natural environment, to reduce the amount of land used for roads, and to maintain the rural community character.

   B. Scope of Application. No person shall construct or maintain a private road, driveway or shared driveway in the Township except in accordance with the provisions of this Ordinance. All non-residential driveways are subject to the requirements of Section 5.10.

2. General Provisions

   A. Dividing, Partitioning or Assembling Land and Road Frontage. No person shall divide, subdivide, split or combine any land, parcel or lot in the Township unless such land, parcel or lot is legally accessible by public road, private road, driveway, or shared driveway. Each lot or parcel divided, subdivided, split or combined shall be created consistent with the provisions of the Michigan Land Division Act, the Hartland Township Land Division Ordinance and the Hartland Township Zoning Ordinance, shall have proper frontage on a public road or on an approved and legally recorded private road or shared driveway that is designed consistent with the requirements of the Ordinance and shall be in compliance with all minimum parcel requirements for the zoning district in which the property is located (see Section 2.2 for corner lot and yard terms).

   B. Land Use Permits. Construction of a private road, driveway or shared driveway shall not begin until a land use permit has been issued by the Township to authorize construction of a private road, driveway or shared driveway or each phase of a private road as provided by this Ordinance.

3. Private Road, Shared Driveway, And Driveway Application and Permit Process

   A. Application and Plan Requirements

      i. Private Roads and Shared Driveways. To initiate review of a proposed private road or shared driveway, the applicant shall submit a complete application in both paper hard copy format and electronic medium in Portable Document Format "PDF". A complete application shall consist of a) a written application requesting approval of a private road or shared driveway on forms provided by the Township; b) private road or shared driveway construction plans; c) private road or shared driveway easement; d) easement maintenance agreement; and e) proof of ownership. All plans and documents shall be prepared in accordance with the provisions of this Ordinance. Documents must be submitted in recordable form. Fees and any required escrow amounts shall be established by Resolution of the Township Board and shall be due in full at the time of application. The application shall be submitted at least six (6) weeks before the Planning Commission meeting at which the proposal will be reviewed. However, the Township does not guarantee that any Application will be heard at any particular Planning Commission meeting.

      ii. Driveways. To initiate review of a proposed driveway, the applicant shall submit a complete land use application in both paper hard copy format and electronic medium in Portable Document Format "PDF". A complete application shall consist of a written application on forms approved by the Township requesting a) approval

of a driveway connection to public road, an existing private road or a shared driveway, b) proof of ownership or other documents evidencing the applicants' right to access the private road or shared driveway, as applicable, c) private road or shared easement, as applicable; and d) easement maintenance agreement signed by the owner/applicant, as applicable. All plans and documents shall be prepared in accordance with the provisions of this Ordinance. Fees shall be established by Resolution of the Township Board and shall be due in full at the time of application.

B. Review and Recommendation. Requests for a land use permit, including driveway connections to public roads, private roads and shared driveways may be administratively reviewed and approved and shall not require a public meeting. The Planning Commission shall review all private road or shared driveway applications, at a public meeting. The Planning Commission may consider in its review any reviews and recommendations of attorneys, engineers, planners, and any other appropriate departments or persons. The Planning Commission shall consider compliance with this Ordinance, sound planning and engineering principles, and compliance with any other applicable ordinances and shall consider the application pursuant to the following standards and requirements:

i. In the case of applications for shared driveways, the Planning Commission shall approve the application, approve the application with conditions, or deny the application. The decision by the Planning Commission shall be final and may not be appealed to the Zoning Board of Appeals. Nothing in this subsection shall be construed to prevent the Planning Commission from requiring improvements to an existing shared driveway where the Planning Commission determines that the shared driveway does not meet the requirements of this Ordinance or is not capable and suitable for travel or access because of the increase in use created by additional development utilizing the shared driveway. Any necessary improvements to the original portion of the shared driveway must be completed prior to approving the land division application, unless the applicant deposits a cash performance bond with the Township for the full amount of the estimated costs of the improvements.

ii. In the case of applications for private roads, the Planning Commission shall make a recommendation to the Township Board to approve the application, approve the application with conditions, or deny the application. If a proposed private road or shared driveway is associated with a platted subdivision, land division application, or condominium development, including those approved pursuant to Section 3.1.1.18, Planned Development, the applicant shall submit the proposed private road or shared driveway application for review and approval prior to or concurrently with the application for platted subdivision approval, land division application or application for site plan approval required by this Ordinance.

iii. In cases involving an application for division of a parcel served by an existing private road that does not require the extension of a private road, the Planning Commission may recommend and the Township Board may approve waiving the paving requirement of Section 5.23.5 for private roads serving more than twelve (12) but less than twenty-five (25) lots or parcels, provided all of the following are conditions are met:

a. The private road is capable and suitable of providing access for the uses permitted in the zoning district;

b. The private road is capable and suitable to provide safe and passable year round access for emergency service vehicles;

c. It is in the best interest of the health, safety and welfare of the users of the private road and the residents of the Township;

d. An executed private road easement agreement and private road maintenance agreement for the entire road is submitted along

with the application for the construction, maintenance and improvement of the private road pursuant to Section 5.23.5 or the Planning Commission recommends and the Township Board approves, in their discretion, an executed private road easement agreement and private road maintenance agreement binding the property that is the subject of a land division application, including the parent parcel, resulting parcels and any re-divided parcels, to share in the proportional cost of maintaining the private road easement and private road serving the property.

Nothing in this subsection shall be construed to prevent the Township Board from requiring improvements to an existing private road easement or private road where the Township Board determines that the private road easement or private road are not capable and suitable for travel or access because of the increase in use created by additional development utilizing the private road easement or private road. Any necessary improvements to the original portion of the private road must be completed prior to approving the land division application, unless the applicant deposits a cash performance bond with the Township for the full amount of the estimated costs of the improvements.

iv. In cases involving an application for division of a parcel served by a private road that requires the extension of a private road, the Planning Commission may recommend and the Township Board may approve the extension of the private road provided all of the following conditions are met:

a. The private road extension is constructed to the standards defined in this Ordinance;

b. The original portion of the private road constructed prior to the land division is capable and suitable to provide safe and passable year round access for emergency service vehicles;

c. It is in the best interest of the health, safety and welfare of the users of the private road and the residents of the Township;

d. An executed private road easement agreement and private road maintenance agreement for the extension of the private road must be submitted along with the application for the construction, maintenance and improvement of the private road pursuant to Section 5.23.5.

Nothing in this subsection shall be construed to prevent the Township Board from requiring improvements to an existing private road easement or private road where the Township Board determines that the private road easement or private road are not capable and suitable for travel or access because of the increase in use created by additional development utilizing the private road easement or private road. Any necessary improvements to the original portion of the private road must be completed prior to approving the land division application, unless the applicant deposits a cash performance bond with the Township for the full amount of the estimated costs of the improvements.

C. Township Board Review and Determination. After receiving the recommendation of the Planning Commission, the Township Board shall review the private road application, at a public meeting. The Township Board shall consider reviews and recommendations from staff, consultants and the Planning Commission and make a determination, based on the provisions of this Ordinance, the provisions of any other applicable ordinance, and sound planning and engineering principles. The Township Board shall approve, approve with conditions, or deny the proposed private road application. The decision of the Township Board shall be final and may not be appealed to the Zoning Board of Appeals.

D. Issuance of Land Use Permit for Private Road, Driveway or Shared Driveway Construction. Upon administrative approval, approval by the Planning Commission or Township Board as applicable, the Township shall issue a land use permit to allow the Applicant to begin construction on the driveway, private road or shared driveway.

E. Performance Guarantee and Release. At the time of the issuance of the land use permit authorizing construction of a private road or shared driveway, the applicant shall post or deposit a performance guarantee in an amount sufficient to assure completion of the required private road or shared driveway improvements. The performance guarantee shall be submitted in a form acceptable to the Township before a land use permit is issued to permit construction of the private road or shared driveway. The amount of the performance guarantee shall be determined in accordance with Section 5.23.4.C.

The Township shall release or return the performance guarantee to the applicant after the Township acknowledges that all the documentation has been submitted and that the construction of the private road or shared driveway was properly completed in compliance with Township Ordinance requirements or conditions of approval.

F. Expiration of Approval

i. Expiration: If construction has not commenced within twenty-four (24) months after the date of administrative approval of a land use permit for a private road or shared driveway, the approval shall become null and void and a new private road or shared driveway application shall be required prior to construction. If construction has commenced, construction shall be completed within twenty-four (24) months after the date of Township approval or extension.

ii. Extension of Approval: The applicant may apply in writing before expiration to the Planning Commission or the Township Board, as applicable, for a twelve (12) month extension of a private road or shared driveway approval.

a. Private Roads: The Township Board may grant only one extension if it finds that (1) the construction delay is not due to inaction on the part of the applicant; (2) the construction delay is due to the action(s) of other governmental entities; and (3) the plan conforms to current Ordinance standards and the approved private road or shared driveway plan adequately represents current conditions.

If construction has commenced, construction of a private road, driveway or shared driveway shall be completed within twenty-four (24) months after the date of administrative, Planning Commission or Township Board approval or extension, as applicable.

b. Shared Driveways: The Planning Commission may grant only one extension if it finds that (1) the construction delay is not due to inaction on the part of the applicant; (2) the construction delay is due to the action(s) of other governmental entities; and (3) the plan conforms to current Ordinance standards and the approved private road or shared driveway plan adequately represents current conditions. If construction has commenced, construction of a private road, driveway or shared driveway shall be completed within twenty-four (24) months after the date of administrative, Planning Commission or Township Board approval or extension, as applicable.

4. Construction Plan Requirements for Private Roads and Shared Driveways

A. Plan Requirements. Construction plans for private roads and shared driveways must be signed and sealed by a registered professional engineer licensed in the State of Michigan. Construction plans shall be submitted in paper hard copy format on a standard sheet size of twenty-four (24) inches by thirty-six (36) inches and be drawn to a scale of not less than one inch equal to fifty (50) feet horizontally and one

(1) inch equal to five (5) feet vertically except if a private road or shared driveway is longer than one-thousand five-hundred (1,500) feet, the horizontal scale shall not be less than one (1) inch equals one-hundred (100) feet. The private road or shared driveway construction plans shall contain the plan and profile of the private road or shared driveway and a typical cross section. Construction plans shall also be submitted in electronic medium in Portable Document Format "PDF".

B. Information Requirements. The construction plans shall show all pertinent data required to layout and construct the proposed private road or shared driveway and to ensure proper storm water drainage, including but not limited to the following information:

i. Scale, north arrow, name of private road, date of plan and revisions along with name of engineer or firm preparing the plan.

ii. A vicinity map illustrating the exact location of the proposed private road or shared driveway easement and the location of the private road or shared driveway in relation to intersecting public roads, private roads, shared driveways and adjacent properties.

iii. The location of existing structures, including any public or private roads on properties within one-hundred (100) feet of the edge of the private road or shared driveway easement.

iv. Zoning designation of the subject and adjacent properties.

v. Floodplain designation of the subject and adjacent properties, including any surface water, lakes, streams, ponds, and wetlands. The initial investigation shall locate wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Department of Interior and available from the Michigan Department of Environmental Quality. Documentation of required permits shall be provided.

vi. Benchmarks to National Geodetic Vertical Datum; a minimum of one benchmark shall be labeled on each sheet and at least one permanent benchmark for each private road or shared driveway is required.

vii. Dimensions and area of all existing and proposed parcels abutting or within one-hundred (100) feet of the proposed private road or shared driveway, including locations of all minimum setbacks on each parcel abutting the private road or shared driveway easement, in accordance with the current Hartland Township Zoning Ordinance.

viii. Location of existing and anticipated easements, rights-of-way and utility lines, including where applicable, electric, telephone, gas, cable television, water and sewer lines, and indicate whether above or below ground.

ix. Topography of the private road or shared driveway easement within fifty (50) feet of the road centerline at ten (10) foot contour intervals referenced to a U.S.G.S benchmark.

x. Proposed typical cross-section showing type and depth of base and surface materials.

xi. Proposed method of surface drainage and design calculations including proposed storm water detention or retention systems or facilities.

xii. Proposed public and private utility locations:

a. The location type, class and size of all proposed underground drainage (culverts and storm sewers) in both plan and profile.

b. Drainage structure type (manhole, catch basin, inlet, and similar drainage related devices).

c. Pertinent vertical control information clearly identifying the top of structure, top of casting (rim) or top of curb, sump or footing elevation, invert or flow line elevation of each pipe, including edge drain and under drain, in the structure per one-hundred (100) feet (percent of grade). Private road or shared driveway crossings (culverts) in an open ditch section shall only require the inlet and outlet elevations labeled and the ending location relative to station and centerline offsets.

xiii. Horizontal alignment information for each circular curve along the private road or shared driveway centerline. The information for each curve shall include the degree of curvature, deflection of tangents (delta), radius of curve, point of curvature, point of tangent, length of chord and tangent length. The minimum centerline radius for private roads shall also be provided and shall be no less than two hundred fifty (250) feet.

xiv. Vertical alignment information shall be provided, including the existing and proposed centerline or top of curb elevations labeled every fifty (50) feet. Vertical curve information shall include the point of curvature, point of tangent, point of vertical intersection and elevation, length of curve, K-value and percent of tangent grade in feet per hundred feet. Minimum stopping sight distances in accordance with the current Livingston County Road Commission design standards shall also be provided.

xv. Soil erosion and sedimentation control measures shall be shown on the private road or shared driveway construction plans.

xvi. Phasing plan and phasing schedule, if any, with a description of the phased improvements.

xvii. Other information deemed necessary by the Planning Commission or the Township Board to make the recommendation or determination required by this Article and the Hartland Township Zoning Ordinance.

C. Construction Cost Estimate. A construction cost estimate for the private road or shared driveway (including costs of layout, testing services during construction and engineering inspection) must also be submitted.

The applicant's engineer shall prepare the construction cost estimate for the improvements. The cost estimate shall be subject to verification by the Township Engineer. The construction cost estimate verified by the Township Engineer shall be the basis to establish the value of the performance guarantee.

D. Construction Plan Approval. Private road or shared driveway construction plans shall be submitted with the Application to the Township for approval. Prior to the Planning Commission's consideration of the Application, the Township Engineer shall review the construction plans for conformance with the Township's standards or with published engineering standards and shall provide recommendations to the Township.

E. All necessary modifications encountered during construction that change the design of the proposed private road or shared driveway shall be incorporated into revised construction plans and submitted to the Township for review and approval. Changes that do not affect the number or quality of lots, parcels or residential units, in the sole determination by the Township, may be administratively reviewed and approved following review by the Township's consultants. Changes affecting the design, location or construction of private or public utilities or changes that tend to diminish or thwart the intent of this Ordinance or conditions of approval shall be submitted to the Planning Commission or the Township Board, as applicable for approval. A revised cost estimate must accompany the revised plan. If the revised cost estimate is 5% or more greater than the original cost estimate, the applicant shall provide an additional performance guarantee in conformance with Section 5.23.3.E.

5. Minimum Private Road Standards

A. Private Road Standards. A private road shall be constructed consistent with the public road requirements of the Livingston County Road Commission, except as otherwise permitted by this Section.

B. Requirements Based on Parcels Served. Notwithstanding the requirement as set forth in Section 5.23.5.A, private roads shall conform to the following minimum standards based upon the number of parcels to be served by the private road. Additional private road easement width may be required by the Township to satisfy utility, drainage, sidewalk or other requirements. The number of units or parcels shall be as determined by the Township, based upon the projected

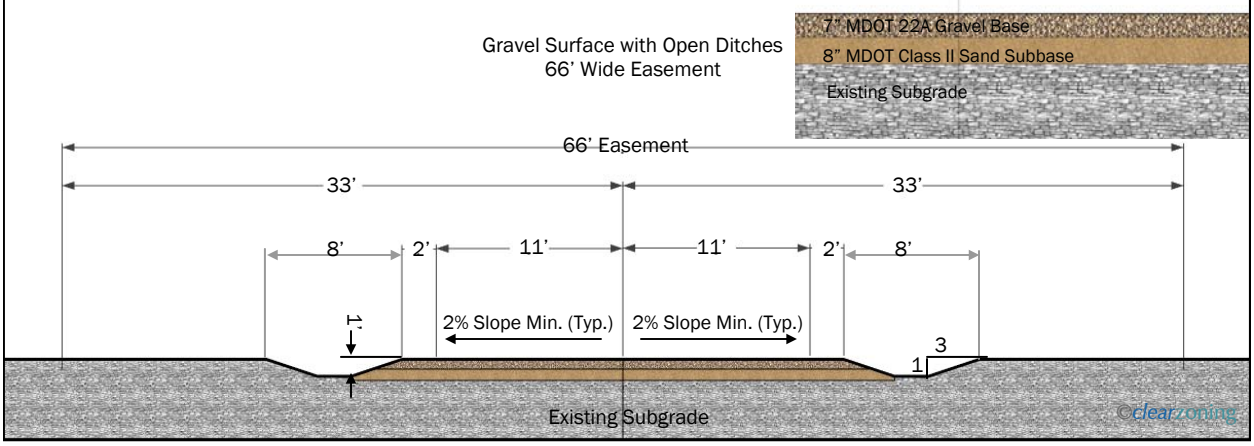
5.23.5 Private Road Width and Surface Requirements						
Potential Number of Lots or Parcels Served	Minimum Easement Width	Traveled Way Width (feet)				Minimum Road Surface Material and Design
		Minimum Road Surface	Minimum Shoulder Total	Curb/ Gutter Total	Total Width	
3-12 (gravel)	66’	22’	4’	0’	26’	Gravel with open ditch
13-24 (curb/gutter)	66’	26’	0’	4’	30’	Paved with curb and gutter
13-24 (open ditch)	66’	22’	4’	0’	26’	Paved with open ditch
More Than Twenty-Four (24) Parcels	When the potential number of units or parcels served is twenty-five (25) or greater, proposed private roads must be constructed consistent with public road requirements of the Livingston County Road Commission					

potential development within the context of the Township’s adopted Comprehensive Plan or zoning regulations, whichever is greater.

i. Easement Based on Potential Parcels Served: The minimum private road easement required shall be no less than sixty six (66) feet wide.

ii. Construction Based on Parcels Served: The minimum road surface and travel way requirements shall be based on the number of parcels or condominium units to be served by the private road at the time of subdivision, land division or site plan approval. Nothing in this Section shall be construed to prevent the Township from requiring improvements to an existing private road if the number of parcels, condominium units, or parcels to be served increases.

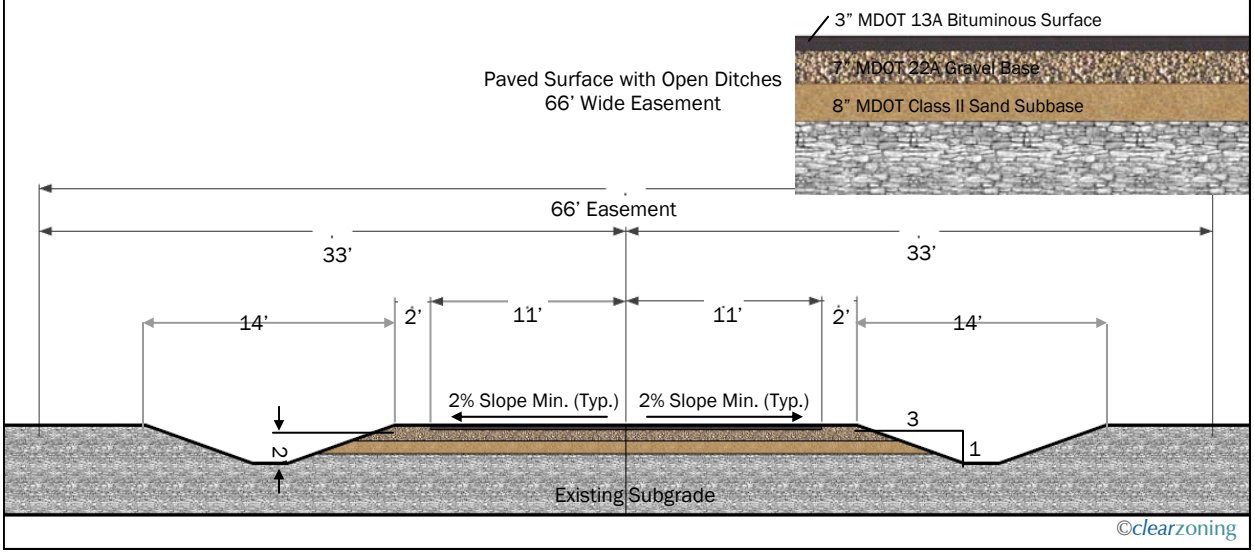
5.23.5.B.ii PRIVATE ROAD SERVING 3 TO 12 PARCELS



5.23.5.B.ii Private Road Serving 3 to 12 Parcels	
Use Restrictions:	
Maximum parcels with access	12
Private Road Development Standards:	
Easement width	66 feet min.
Cul-de-sac R.O.W. radius	60 feet min.
Minimum surface width	22 feet min.
Cul-de-sac radius	50 feet min.
Vertical grade	7% max.
Centerline radius	120 feet min.
Roadside ditches must be located within private road easement.	
Construction Standards:	
Shall meet Livingston County Road Commission specifications effective May 24, 1991.	

5.23.5.B.ii Private Road Serving 13 to 24 Parcels	
Use Restrictions:	
Maximum parcels with access	24
Private Road Development Standards:	
Easement width	66 feet min.
Cul-de-sac R.O.W. radius	60 feet min.
Minimum surface width	22 feet min.
Cul-de-sac radius	50 feet min.
Vertical grade	7% max.
Centerline radius	120 feet min.
Roadside ditches must be located within private road easement.	
Construction Standards:	
Shall meet Livingston County Road Commission specifications effective May 24, 1991.	

PRIVATE ROAD SERVING 13 TO 24 PARCELS



iii. Pavement Exception: The Planning Commission may permit a gravel surface for private roads serving thirteen (13) to twenty-four (24) dwelling units and/or parcels. The Planning Commission shall determine that the private road meets all of the following: (1) each parcel or dwelling unit has a minimum lot size of three (3) acres; (2) the private road is accessed from an existing public gravel road; and, (3) the private road cannot be extended to serve additional parcels. In the event that the private road has the potential to service over twenty-four (24) dwelling units and/or parcels, the private road shall be paved.

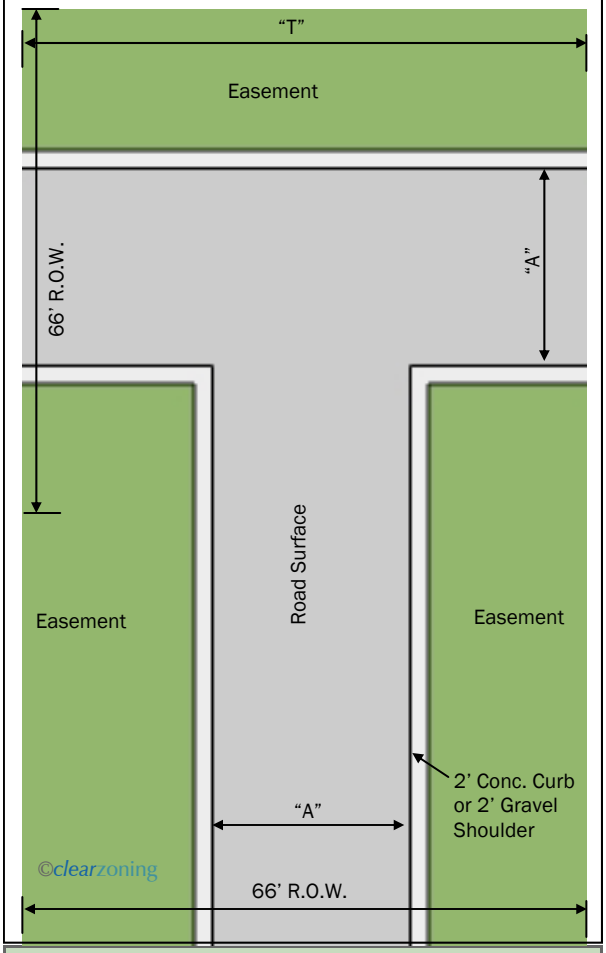
C. Standards. All private roads shall comply with the following geometric, design, construction and other standards:

i. Compliance with American Association of State Highways and Transportation Officials (AASHTO) Standards: Private road design plans shall meet the design criteria outlined in the most recent edition of AASHTO manual "A Policy on Geometric Design for Highways and Streets" unless otherwise provided in this Ordinance. The requirements and specifications in this Ordinance meet or exceed the reference AASHTO standards.

ii. Horizontal Radius: The minimum horizontal radius shall be designed to meet AASHTO standards. In no event shall the horizontal radius be reduced to less than one-hundred and twenty (120) feet. Where the design speed of the private road is less than twenty-five (25) miles per hour, the posted speed limit shall be five (5) miles per hour lower than the design speed.

iii. Cul-de-sac Circles and T-Turnarounds: All cul-de-sac circles shall be designed to meet AASHTO standards. The Planning Commission may require a landscaped island, constructed and planted with materials that will not block vehicular visibility, be created in the center of the cul-de-sac circle. Landscape materials, selected in accordance with Section 5.11.3 of this Ordinance, shall include trees and shrubs appropriately trimmed and maintained so that limbs and foliage do not extend into the clear vision area or otherwise create a traffic hazard. All such landscape materials shall be installed and maintained in accordance with provisions of this Ordinance. A cul-de-sac circle shall provide access to not more than four (4) dwellings in total, inclusive of all dwellings accessed by driveways, shared driveways and easements. A

5.23.5.C.iii T-TURNAROUNDS



T-Turnaround Development Standards	
Easement width	66 feet min.
"A" = minimum surface width	22 feet min.*
	26 feet min.**
"T" = T-Turnaround length	66 feet min.
	R.O.W width max.
Vertical grade	7% max.
*Gravel or paved with open ditch ** Paved with curb and gutter	

shared driveway easement or private road easement cannot be extended from a cul-de-sac circle to provide access to more than the four (4) dwellings. T-Turnarounds may be used at the end of stub streets that have no dwelling units fronting on them (reference standards of the public works/engineering department for cul-de-sac design detail information and Figure 5.23.5iii T-Turnarounds for T-turnaround design detail information).

iv. Grades: The proposed road grade shall not exceed two (2%) percent within thirty (30) feet from the edge of an intersection roadway. All other road grades shall not exceed seven (7%) percent. Slopes in excess of these maximum road grades shall be allowed by the Township where, in the judgment of the Township, it is necessary to preserve significant natural features.

v. Intersection Offsets and Design Standards: Private roads which intersect with existing or proposed private roads shall intersect at a ninety degree (90°) angle, except that where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection. In no case shall the angle be less than seventy (70°) degrees. All private road intersections with a public road shall meet the current requirements of the public agency which has jurisdiction over the public road. Proposed intersections shall align directly across from or be offset centerline to centerline at east two-hundred and fifty (250) feet from public streets, private roads or non-single family residential driveways measured centerline to centerline.

vi. Vertical Clearance: In order to provide adequate access for emergency vehicles, at least thirteen (13) feet six (6) inches of overhead tree and wire clearance shall be provided within the width of the private road or shared driveway easement, including any cul-de--sac circle.

vii. Utilities: On private roads, a separate public and private utility easement with a minimum width of twelve (12) feet shall be provided on both sides of the private road easement. Such easements shall be located inside or adjacent to the private road easement. The Planning Commission may waive the separate utility easement requirement if the proposed development is not expected to be serviced by public utilities or if other suitable easements exist.

viii. Road Surface: The road surface shall be centered in the road easement, except where otherwise deemed appropriate by the Township because of unusual site features or conditions.

ix. Private Road Names: Street names shall be required for all private roads and upon completion of the private road appropriate signage shall be erected to identify the road name. No road names shall be permitted which might cause confusion with existing road names in or near the Township. Names of roads which intersect County Roads shall be approved first by the Township's Fire Authority and second by Livingston County. The Township's Fire Authority shall approve all other road names prior to being approved by the Township Board.

x. Signs: All signs within the private road easement shall be identified on the private road plan and be in accordance with the latest edition of the Michigan Manual of Uniform Traffic Control Devices, unless the Township Board approves another type of design for consistency with the character of the development. Road signs shall be provided at all public and private road intersections.

xi. Curbs and Gutters: Where provided, curbs and gutters shall be concrete. No curbs and gutters are permitted to be bituminous or asphalt. Only mountable-type curbs shall be provided for private road construction.

xii. Speed Limit: Unless otherwise specified at the time of approval, the maximum speed limit permitted on a private road shall be twenty-five (25) miles per hour. Speed limit signs shall be posted in accordance with the specifications of the latest edition of the Michigan Manual of Uniform Traffic Control Devices. A speed limit sign

shall be installed at the beginning of each private road. If the speed limit for the full length of the proposed private road is not lower than the posted speed limit at the beginning of the road, no additional speed limit signs are required. Additional advisory speed plates or signs along with the appropriate warning signs are required for both directions where the speed limit is lower than the posted speed limit at the beginning of the road. Where the design speed is less than twenty-five (25) miles per hour, the posted speed limit should be five (5) miles per hour less than the design speed.

xiii. Mailboxes and Other Post-Mounted Appurtenances: Mailboxes, newspaper delivery boxes and other appurtenances mounted on posts shall be located not less than five (5) feet from the edge of the private driveway serviced by the post-mounted appurtenance. Mailbox mounting height and distance from the edge of the surface of the private road shall conform to the specifications and requirements of the United States Postal Service.

D. Drainage. The private road easement shall include a drainage easement and design features that adequately drain the roadway to prevent flooding or erosion of the roadway and adjoining land. Drainage shall be conveyed to existing water courses and water bodies suitable for such drainage. The discharged water shall not be cast onto the land or another property owner unless the water follows an established watercourse. Underground cross-road drainage shall be provided where the proposed private road easement crosses a stream or other drainage course. The Township may require modification of the elevation of the private road, or other drainage means, including sedimentation, detention or retention basins, to preserve trees and significant vegetation, as well as to avoid or curtail off-site runoff and flooding. Storm sewers, sedimentation basins, detention basins and retention basins shall be designed in conformance with the current Livingston County Drain Commissioner's standards, unless exempted by said agency.

E. Road Connections. All private roads shall be designed to form a safe and efficient road network. Accordingly, private roads should connect to existing public and private roads wherever feasible in the Township's sole determination. Private roads should also be designed to connect to planned or anticipated future public or private roads. Cul-de-sac roads longer than six-hundred (600) feet should be avoided unless connection to a through road is likely in the future. To achieve this objective, the following guidelines shall apply:

i. Private roads longer than six-hundred (600) feet shall provide one or more additional easements which shall extend from the primary private road easement to the adjoining parcels, unless the Township determines that it would be impractical or not beneficial to connect to existing or future public or private roads on adjoining parcels. The purpose of this requirement is to facilitate the development of a continuous road network.

ii. Unless the proposed private road is designed to serve parcels on both sides of the road, the private road easement shall abut the side property line, thus making the private road available for use by adjoining property owners upon payment of a proportionate share of construction and maintenance costs, as specified herein.

iii. The proposed private road easement shall extend the full length of the parcel to the rear property line, unless the Planning Commission determines that it would be impractical or not beneficial to extend the easement.

iv. Where a private road exists on an adjoining parcel, the applicant shall first determine the feasibility of connecting to the existing private road to provide access to the subject parcel.

v. The location of the private road on one side of the parcel or the other shall take into consideration the location of other private roads in the vicinity and the desire to maximize the spacing between successive roads. Wherever possible, private roads shall be spaced apart as follows (see Figure 5.23.E.v):

a. Spacing between private road easements which are located on the same side of the intersecting public road: six-hundred (600) feet.

b. Spacing between private roads or non-single family residential driveways which are located on opposite sides of an intersecting public road shall align directly across from one another or be spaced a minimum of two-hundred and fifty (250) feet (measured center line to center line).

vi. Private roads serving more than twenty -four (24) parcels or twenty-four (24) dwelling units, or any combination thereof equaling twenty-four (24), shall have at least two points of access to a public road.

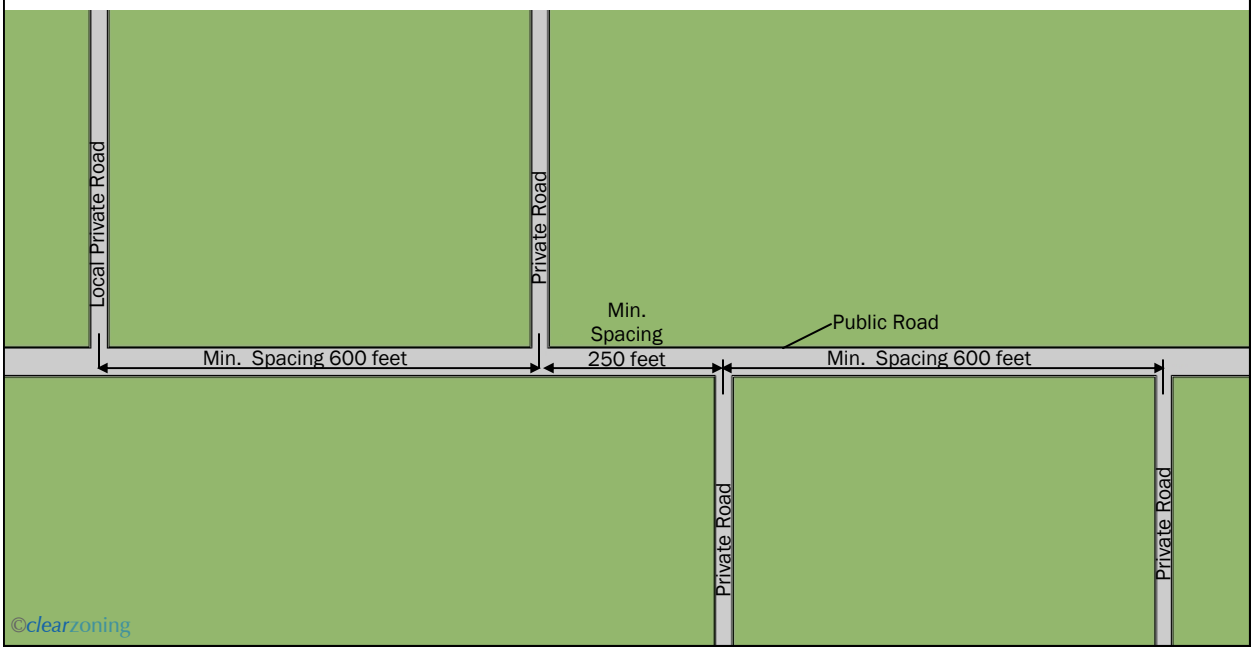
The minimum length of any private road shall be sufficient to provide the minimum required lot width along the private road for all potential parcels created by subdivision, land division, or condominium. All parcels that have frontage on both an existing public road and a private road approved by this Article shall not be permitted to have driveway access off the public road. These regulations are necessary to minimize the number of access points onto the public road network, to promote traffic safety and to maintain rural character.

F. Easements. A Private Road Easement Agreement in recordable form shall be required in substantial compliance with the Model Private Road Easement Agreement maintained by the Township. Upon approval by the Township Board, the Easement Agreement shall be recorded by the applicant at the Office of the Livingston County Register of Deeds and a recorded copy shall be submitted to the Township prior to issuance of any land use permit. The Easement Agreement shall be signed by all owners of lots abutting the private road or all owners served by the private road. It shall meet the following minimum requirements:

i. Legal Description: A detailed legal description of the private road easement shall be submitted with its application.

ii. Emergency and Public Vehicle Access: The easement shall provide for unrestricted access for emergency and public vehicles used in performance of necessary public services.

5.23.5.E.v PRIVATE ROAD SPACING



iii. Non-Interference: The terms of the easement shall prohibit any property owner served by the road from the restricting or interfering with the normal ingress and egress of other property owners, their families, guests, invitees, licensees, or others traveling to or leaving any of the properties served by the private road.

iv. Future Connections: The terms of the easement shall provide consent that the Township may permit future abutting private roads or public roads be connected to the easement or private road.

v. Initial Costs of Construction: The easement shall describe the method by which initial construction will be funded. If more than one user will share in the cost of initial construction, then the easement shall specify the formula that will be used to apportion the costs.

vi. Setback from Existing Structures: New private road easements shall be located to provide a sufficient distance from all existing conforming structures and legally nonconforming structures so that such structures comply with the minimum setback requirements for the zoning district in which they are located.

G. Easement Maintenance Agreements. Continued maintenance of private roads and road drainage facilities shall be the responsibility of the property owners(s) served by the private roads. Prior to issuance of land use permits for construction of any structure, property owner(s) served by the private road shall enter into a legally binding Easement Maintenance Agreement, which shall be in substantial compliance with the Model Private Road Easement Maintenance Agreement maintained by the Township and subject to review and approval by the Township Attorney. The Private Road Easement Maintenance Agreement shall be recorded by the applicant at the Office of the Livingston County Register of Deeds and a recorded copy shall be submitted to the Township prior to issuance of a land use permit. The Easement Maintenance Agreement shall bind all existing or future owners of property served by the private road to the Agreement. At a minimum, the Easement Maintenance Agreement shall contain the following:

i. Maintenance Costs: The Easement Maintenance Agreement shall acknowledge that the road surface and easement area are privately owned and therefore all construction and improvements within the easement will be contracted and paid for by the signatories to the Agreement or their successors and assigns.

ii. Method of Apportioning Maintenance Costs:

a. Original Users: The agreement shall describe the method by which maintenance costs and costs of improvements will be apportioned among the original users.

b. Apportioning Costs to Subsequent Users:

(1) The Agreement shall describe the method for apportioning the maintenance costs and costs of improvements to new users.

(2) The Agreement shall indicate that the method of apportioning costs applies whether the new users are a result of: (1) extension of the private road beyond its initial length, or (2) connection to another private road, or (3) division of property that is served by the private road.

(3) The apportionment formula shall be designed to apportion costs in relation to the benefit to be derived from the private road, and therefore shall include two variables: (1) the number of parcels to be served, and (2) the amount of frontage that each parcel has along the private road (For example, the formula could apportion fifty (50) percent of the costs on the basis of the number of parcels being served, and apportion the remaining 50 percent of cost on the basis of frontage for each parcel).

(4) The apportionment formula may include provisions to reduce the cost for parcels that have existing access to another public or private road, and therefore would not derive full benefit from the private road.

iii. Township Not Responsible: The provisions in the Easement Maintenance Agreement shall in no way be construed to obligate the Township to perform regular inspections of the easement area or to provide necessary repairs or maintenance. The Agreement shall provide a notice that no public funds are used to build, repair or maintain the private road.

iv. Special Assessment Provision: The Easement Maintenance Agreement shall contain a provision to permit the Township Board to authorize the repair or maintenance of any private road which is not being maintained adequately to permit safe access by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the signatories to the Agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers. The Easement Maintenance Agreement should provide notice that the Township may proceed with a special assessment district in order to accomplish such repairs and maintenance.

v. Maintenance Needs: The Easement Maintenance Agreement shall acknowledge the responsibility of the signatories to the Agreement to maintain the following: surface grading and resurfacing at regular intervals; snow and ice removal; repair of potholes; maintenance of road drainage systems; maintenance of unobstructed vision at any intersection with another private road or with a public road; annual dust control and, regular cutting of weeds and grass within the easement.

vi. Continuing Obligation: The Easement Maintenance Agreement shall specify that the obligation to maintain the easement shall be an obligation running with the land to be served by the private road, and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.

vii. Liability: The applicant for private road approval, all owners of the private road and lots or units thereon, all those who utilize the shared private driveway or private road, and all persons securing a building permit to construct a building served by the private road all agree that, by applying for and securing a permit for a building that utilizes the shared private driveway or private road and by utilizing the shared private driveway or private road, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, costs, and damages for personal injury and/or property damage. This shall run with the land and shall bind all purchasers of properties benefited by the private road.

H. Permits. Any proposed private road intersecting a public road shall be shown to have received the following approvals, prior to or as a condition of site plan approval:

i. Livingston County Road Commission sight distance and construction permit.

ii. If necessary, Michigan Department of Transportation construction permit.

iii. Livingston County Drain Commissioner soil erosion permit and construction permit.

iv. Michigan Department of Environment Quality permit.

v. Any other necessary permits from other State, County or local agencies.

6. Minimum Shared Driveway Standards

A. Number of Parcels to be Served. A shared driveway that is intended to provide access to two (2) single family dwelling units or parcels shall be constructed in such a manner as to provide a year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and

safely. For purposes of this Ordinance, a parcel shall be considered to be served by the shared driveway if the shared driveway crosses or includes any land in the parcel's description. All parcels served by the shared driveway shall obtain access to the public or private road exclusively via the shared driveway. Any other existing driveways in use at the time of creation of the shared driveway shall be eliminated when the shared driveway becomes available for use. For example, a parcel that will have access to both the fronting public road and the shared driveway shall connect to the shared driveway and remove any other existing driveway that has previously provided access to the public road.

B. Shared Driveway Construction Standards. At a minimum, shared driveway construction shall consist of the removal of all unsuitable soil and placement of six (6) inches of suitable gravel and shall withstand single axle weights of not less than twenty-two (22) tons. Shared driveway easements shall have an unobstructed (except for approved security gates) travel width of not less than twenty-two (22) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches, so as to provide for the access of all types of emergency vehicles providing emergency services in the Township. Maximum length of a shared driveway is six-hundred (600) feet. Any additional length will require meeting the standards in this Article requiring an approved cul-de-sac or t-turnaround. The shared driveway shall not have any ninety (90°) degree bends and all curves shall have a minimum horizontal radius of fifty-five (55) feet.

C. Easement Agreement. A Shared Driveway Easement Agreement ("Easement Agreement") in recordable form shall be required and in substantial compliance with the Model Shared Driveway Easement Agreement maintained by the Township. Upon approval by the Planning Commission, the Easement Agreement shall be recorded by the applicant at the Office of the Livingston County Register of Deeds and a recorded copy shall be submitted to the Township prior to issuance of a land use permit. The Easement Agreement shall be signed by the owners of lots served by the shared driveway. It shall meet the following minimum requirements:

i. Legal Description: A detailed legal description of the shared driveway easement shall be submitted with its application.

ii. Emergency and Public Vehicle Access: The shared driveway easement shall provide for unrestricted access for emergency and public vehicles used in performance of necessary public services.

iii. Non-Interference: The terms of the easement shall prohibit any property owner served by the shared driveway from the restricting or interfering with the normal ingress and egress of other property owners, their families, guests, invitees, licensees, or others traveling to or leaving any of the properties served by the shared driveway.

iv. Initial Costs of Construction: The shared driveway easement shall describe the method by which initial construction will be funded. If more than one user will share in the cost of initial construction, then the easement shall specify the formula that will be used to apportion the costs.

v. Setback from Existing Structures: Shared driveway easements shall be located to provide a sufficient distance from all existing conforming structures and legally nonconforming structures so that such structures comply with the minimum setback requirements for the zoning district in which they are located.

D. Easement Maintenance Agreements. Continued maintenance of shared driveway easements shall be the responsibility of the property owners served by the shared driveway. Prior to issuance of land use permits for construction of any structure, said property owners shall enter into a legally binding Easement Maintenance Agreement, which shall be in substantial compliance with the Model Shared Driveway Easement Maintenance Agreement maintained by the Township and subject to review and approval by the Township Attorney. The Shared Driveway Easement Maintenance Agreement shall be recorded by the applicant at the Office

of the Livingston County Register of Deeds and a recorded copy shall be submitted to the Township prior to issuance of a land use permit. The Shared Driveway Easement Maintenance Agreement shall bind all existing or future owners of property served by the shared driveway to the Agreement. At a minimum, the Shared Driveway Easement Maintenance Agreement shall contain the following:

i. Maintenance Costs: The Shared Driveway Easement Maintenance Agreement shall acknowledge that the driveway surface and easement area are privately owned and therefore all construction and improvements within the easement will be contracted and paid for by the signatories to the Agreement or their successors an assigns.

ii. Township Not Responsible: The provisions in the Easement Maintenance Agreement shall in no way be construed to obligate the Township to perform regular inspections of the easement area or to provide necessary repairs or maintenance. The Agreement shall provide a notice that no public funds are used to build, repair or maintain the shared driveway.

iii. Maintenance Needs: The Easement Maintenance Agreement shall acknowledge the responsibility of the signatories to the Agreement to maintain the following: surface grading and resurfacing at regular intervals; snow and ice removal; repair of potholes; maintenance of road drainage systems; maintenance of unobstructed vision at any intersection with another road; annual dust control and, regular cutting of weeds and grass within the easement.

iv. Continuing Obligation: The Easement Maintenance Agreement shall specify that the obligation to maintain the easement shall be an obligation running with the land to be served by the shared easement, and shall be binding upon the owners of such land and their heirs, successors, and assigns.

v. Liability: The applicant for shared driveway approval, all owners of the shared driveway and lots or units thereon, all those who utilize the shared driveway, and all persons securing a building permit to construct a building served by the shared driveway all agree that, by applying for and securing a permit for a building that utilizes the shared driveway and by utilizing the shared driveway, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, costs, and damages for personal injury and/or property damage. This shall run with the land and shall bind all purchasers of properties benefited by the shared driveway.

7. Reserved

8. Purpose of Inspections and Applicant Obligations. Inspections shall be conducted in accordance with the standards in this Ordinance and the approved plans. Approvals by the Township Engineer shall not relieve the applicant, his or her engineer, or the contractor from their obligation under this Ordinance. Private road or shared driveway construction shall be completed and approved by the Township before any land use permits are issued, unless a satisfactory performance guarantee has been made.

9. Inspections and Approvals

A. Inspections. During construction of the private road or shared driveway, the applicant shall perform the following testing and inspections:

i. Underground Utilities

a. The applicant's engineer shall have a representative on site at all time during the installation of the underground utilities, including storm water, water and sanitary sewer, electrical, telephone, cable, natural gas or any other private or public utilities to observe the underground utility installation and verify the use of proper construction methods with the exception of those utilities to be owned and operated by the Township. The results of these inspections and observations should be documented in the

applicant's engineer's daily reports.

b. A gradation analysis (or other soils analysis) shall be performed on the granular backfill material to confirm that the material meets the gradation requirements called for in the approved construction plans. Gradation analysis tests shall be performed at a frequency of not less than once per one-thousand (1,000) cubic yards or once per project, whichever is more.

c. Compaction (or density) testing shall be performed once every two-hundred and fifty (250) feet per lift of trench backfill or once per lift on pipe runs less than two-hundred and fifty (250) feet with more if failing tests warrant.

d. The backfill of catch basins, inlets, manholes, valve boxes, etc., within the influence of the roadbed shall be placed in accordance with the requirements for structural backfill as called for in the current Michigan Department of Transportation Standard Specifications for Construction.

ii. Subgrade

a. The proposed location of the private road or shared driveway shall be identified by placement of surveying stakes. The stakes shall indicate the horizontal location and vertical grade of the proposed road.

b. The private road or shared driveway sub-grade shall be inspected by the applicant's engineer to verify that the private road or shared driveway is in the correct location and the sub-grade is trimmed to the proper grade and slope. The sub-grade inspection shall also confirm that the sub-grade is free from rutting and soft spots before placing any sub-base material. The inspection shall consist of "proof-rolling" the sub-grade. The results of this inspection shall be documented in the applicant's engineer's daily reports.

iii. Sub base

a. A gradation analysis shall be performed on the sub-base material to confirm that the material meets the gradation requirements for the approved sub-base material. Gradation analysis tests shall be performed at a frequency of not less than once every one-thousand five-hundred (1,500) cubic yards of sub-base material.

b. Compaction (or density) testing of the sub-base material shall be performed at a frequency of not less than once for every two-hundred (200) feet of roadway with more if failing tests warrant.

c. The grading and slope of the sub-base material shall be checked and documented with a frequency of not less than once every one-hundred (100) feet of roadway.

d. The bottom grade and width of the roadside ditches (if provided) shall be checked and documented with a frequency of not less than once every one-hundred (100) feet of ditch. The locations and elevations for the culvert inverts shall be documented.

e. A visual inspection of the sub-base material shall be performed and documented to verify that the sub-base is free from rutting and soft spots before placing any base material.

iv. Aggregate Base

a. A gradation analysis shall be performed on the aggregate base material to confirm that the material meets the gradation requirements for the approved aggregate base material. Gradation analysis tests shall be performed at a frequency of not less than once every one-thousand five-hundred (1,500) cubic yards of aggregate base material.

b. Compaction (or density) testing of the aggregate base material shall be performed at a frequency of not less than once for every one-

hundred (100) feet of roadway with more if failing tests warrant.

c. The grading and slope of the aggregate base material shall be checked and documented with a frequency of not less than once every one-hundred (100) feet of roadway.

v. Bituminous Pavement

a. The applicant's engineer shall issue a written "permit to place" for each section of aggregate base material suitable to place the bituminous pavement material. This "permit to place" shall verify that the bituminous pavement will not be placed on any frozen aggregate base material or frost when cold weather is a concern. The applicant's engineer shall have a representative on site at all times during the bituminous paving operations.

b. The applicant's engineer shall verify and document that the bituminous mix design meets the approved construction plan requirements.

c. For private roads or shared driveways with concrete curb and gutters, the applicant's engineer shall verify and document that the concrete mix design for the curb and gutters meets the approved construction plan requirements. Tests for slump, air entrainment, temperature (for both concrete and ambient air) and compressive strength (for seven (7) day and twenty-eight (28) day) shall be performed at a rate of one (1) set of tests for every one-thousand five-hundred (1,500) feet of curb and gutter installed.

d. Extraction tests shall be performed on the bituminous material at a minimum frequency of once every one-thousand (1,000) tons of bituminous material placed but not less than once a day or once per mixture type. The extraction test may be replaced by visual inspection and submittal of plant extraction test results for small projects with less than four-hundred (400) tons of bituminous material per project.

e. Density tests shall be performed on each lift of bituminous pavement. The control density for each bituminous mixture shall be determined.

f. The ambient air temperature shall be documented for each day that bituminous material is placed. The temperature of the bituminous mixture shall be documented for each truckload.

g. The final grade of the private road or shared driveway centerline and the concrete curb and gutters or edges of pavement (in roads with gravel shoulders) shall be documented at a frequency of not less than once every one-hundred (100) feet of roadway. The transverse slope of the final pavement shall be documented once every one-hundred (100) feet of roadway.

10. Construction Phase Approval. Approval of any construction phase by the Township Engineer does not guarantee approval of subsequent phases or final approval of the constructed private road. Any modifications required during construction that significantly changes the design of the proposed road shall be incorporated into revised construction plans and submitted to the Township for review and approval pursuant to Section 5.23.4.D.

11. Final Acknowledgment. At the completion of the private road or shared driveway construction (including final restoration and sign installation, if any), the following items shall be submitted to the Township for final acknowledgement:

A. Drawings Conforming to Construction Records (or As-Built Drawings). One set of reproducible drawings conforming to construction records (or "As-Built" drawings) of the completed private road shall be submitted in hard copy format and in electronic medium in Portable Document Format "PDF". The public or private utilities showing locations, materials, sizes, invert, elevations and slopes shall be indicated. The manhole and catch basin locations with the rim elevations shall be indicated. The bottom elevation of the catch basins or inlets shall be shown. The grades and slopes of the private road or shared

driveway shall be shown. Each set of "Conforming to Construction Records" drawings shall have the original stamp and signature of the applicant's registered professional engineer.

B. Inspection Reports. Copies of the following shall be submitted to the Township as each is available during the construction process: all inspection reports (including the daily reports); test results; engineer's "permit to place" the bituminous pavement material, if required; and the engineer's certifications of the mix designs, the suitability of the road sub-grade, and sub-base material.

C. Certification. The applicant's engineer shall submit written certification with their original stamp and signature stating that the private road or shared driveway construction is complete and that the construction activities, testing and documentation were carried out under their supervision and that the private road or shared driveway was properly constructed in substantial compliance with the approved construction plans and the Township private road or shared driveway requirement. The applicant's engineer shall identify any departures in the private road or shared driveway construction from the approved construction plans and provide a justification for such departures. The justification shall be made using reasonable engineering judgments. A written certification from a Registered Land Surveyor or a Registered Professional Engineer shall be submitted stating that the private road or shared driveway was located in accordance with the approved construction plans.

D. Township Review. The Township Engineer shall review the information required in Section 5.23.11 herein, and perform a final site visit to visually confirm the documentation submitted by the applicant's engineer for the Township's final acknowledgment that the private road or shared driveway construction was completed in substantial compliance with the Township Ordinance requirements. The Township Engineer shall make a recommendation to the Township regarding whether all the required documentation has been submitted and the private road or shared driveway construction has been properly completed. The applicant's engineer shall be informed of any review comments preventing the final acknowledgment of the private road.

12. Existing Non-Conforming Private Roads. Existing Non-Conforming Private Roads. The Township recognizes that there are non-conforming private roads and shared driveways existing in the Township that do not fully conform with the requirements of this Article. Such private roads and shared driveways are declared by this section to be legal non-conforming private roads or shared driveways, subject to the following:

A. Routine maintenance, including paving, is permitted to maintain the private road or shared driveway and to protect the health, safety and welfare of the users of the legal non-conforming private roads and shared driveways.

B. New construction is permitted to occur on lots of record existing on the effective date of this Article that front along a legal non-conforming private road or shared driveways, if the private road or shared driveway is reasonably capable of 1) providing suitable access for the uses permitted in the zoning district; and 2) providing safe and passable year round access for emergency service vehicles, as determined by the Township. The Township may consult with the Township Engineer, Fire Authority and other consultants utilizing applicable acceptable industry standards in determining the capacity of the private road or shared driveway. For purposes of determining whether a lot or parcel along a private road or access easement qualifies as a "lot of record" as used in this section, at least one of the following conditions must have existed at the time of the amendments to this Article:

i. The lot(s) is (are) a condominium unit (s) for which a master deed was recorded with the Livingston County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and Ordinances prior to the effective date of amendments to this Article.

ii. The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Livingston County Register of Deeds

prior to the effective date of amendments to this Article.

5.24 ARCHITECTURAL STANDARDS (NOT APPLICABLE TO DETACHED SINGLE FAMILY HOUSES)

1. The purpose and intent of this Section is as follows:
   A. To provide a consistent and equitable set of exterior building wall material standards, the intent of which is to create, enhance and promote the qualitative visual environment of the Township.
   B. To encourage developers and their architects to explore the design implications of their project to the context of the site, surrounding area and the Township.
   C. To maintain the character of the Township, protect the general welfare, and ensure that the Township's property values, building designs, appearance, character and economic well-being are preserved and respected through minimum design and appearance standards.
   D. To reinforce and support a healthy development pattern in which new buildings and building modifications maintain the Township's unique character through complementary and appropriate use of building materials, scale, massing and architectural details.
   E. To reduce the massive scale and uniform, impersonal appearance of large buildings to provide for a more human scale that residents and customers will be able to identify with, the intent of which is to ensure a greater likelihood of a building's reuse by subsequent tenants.
   F. To provide the Planning Commission with a sense and appreciation for the design process.

This Section is not intended to regulate the quality, workmanship, and requirements for materials relative to strength, durability, endurance, maintenance, performance, load capacity, or fire resistance.

2. General. Wherever in this Ordinance reference is made to this Section, all exterior building wall facades shall consist of those materials and combinations of materials as set forth in this Section. The use of exterior wall facade materials shall be in compliance with the minimum/maximum percentages required in the Schedule Regulating Facade Materials. Structures regulated by this Ordinance shall include buildings, canopies, and outdoor trash container enclosures. Single family detached residences and accessory uses shall not be subject to this Section.
3. Color. Colors of all facade and roof materials proposed for a building reviewed under this Section shall be established by the applicant as an integral part of the building design, and shall exhibit evidence of coordination and selection with respect to the overall visual effect of the building. The color of each facade material shall be harmonious with the color of all other facade materials used on the same building, as well as the color of facade materials used on adjacent buildings. The use of dissonant and intense colored facade materials shall be determined inconsistent with this Section. Earth tone colors shall be considered consistent with this Section. The use of facade materials to form a background component of a sign, or to increase the visual presence of the building for the purpose of advertising shall be deemed inconsistent with this Section.
4. Roof Appurtenances. All roof appurtenances shall be screened from view by use of a parapet wall or a sloped roof system using materials consistent with the building design and the requirements of Section 5.24, Architectural Standards. The use of façade materials to form a screen wall not included as an integral part of the building wall or roof structure shall be deemed inconsistent with this Section. Proposed roof screening shall be indicated on the architectural elevations and shall be considered as a part of the facade when calculating the percentage of materials for compliance with the Schedule Regulating Facade Materials.
5. Facade Materials Calculation. The facade (north, south, east, and west) of each regulated structure shall be considered and noted separately for the purpose of calculating the percentages of materials in compliance with the Schedule Regulating Facade Materials. The materials on each facade shall be consistent with the materials on other facades of the same building with respect to type and color. Areas of sloped roofs greater than 6:12 shall be considered facades. Areas of sloped roofs shall be taken as the horizontal projection of the roof area (as seen in elevation view). Operable doors intended to be utilized for

pedestrian ingress and egress shall be excluded from all area calculations.

6. Roof Materials. Roofing materials utilized on all sloped roofs shall be harmonious with the materials utilized on all other building facades. The use of dissonant or intense colored roof materials shall be determined inconsistent with this section.

7. Alterations. Where new materials are proposed for an existing building facade, the entire building facade shall be subject to this Section. Except where horizontal offsets greater than six (6) feet occur in an existing facade which serve to visually separate the area within which the new materials are proposed, only the area between such offsets shall be subject to this Section, provided that the new materials and colors are harmonious with adjacent unaltered portions of the building.

8. Additions. Where an addition is being proposed for an existing building, the existing facade materials may be used in the addition provided that the following criteria have been met:

   A. The addition does not exceed one hundred (100) percent of the existing building floor area;

   B. All new facades substantially constitute a continuation of the exiting facades with respect to color, texture, size, height, and location of materials; and

   C. That the visual effect is to make the addition appear as part of the existing building.

   If the addition exceeds one hundred (100) percent of the existing building floor area, the entire building shall be brought into full compliance with this Section.

9. Review. The Planning Commission shall require compliance with this Section. The Planning Commission may request the review of a design professional consultant to assist in this determination; the Township may establish a fee for this review. All new buildings, building alterations, and building additions shall be subject to this review.

10. Facade Waiver. When a particular building design and the materials and colors or combination of materials and colors proposed to be used in the exterior walls are found by the Planning Commission to be consistent with the intent and purpose of this Section, but may differ from the strict application of this Section and the Schedule Regulating Facade Materials of this Section the Planning Commission shall review any such waiver. For example, the Planning Commission may consider waivers to permit the use of new materials not covered in the Facade Materials Schedule, or where a building is intended to reproduce a bona fide historical period to create a theme or enhance an existing theme.

    When a waiver is requested under this subsection, the architectural elevations shall be accompanied by a more definitive description of the building design consisting of written design statements which shall describe how the selected facade materials and/or colors and material combinations will be consistent with and will enhance the building design concept and how the materials and/or colors properly relate to the buildings in the surrounding area.

11. Revisions After Approval. Changes to the facade drawings, sample board, or renderings at any time after approval by the Township, shall be subject to the requirements of Section 6.1, Site Plan Review.

12. Facade Material Inspections. Where facades have been reviewed and approved by the Township, all facade materials subject to this Ordinance shall be installed as approved. The Township may inspect the installed facade materials to determine compliance with the approved site plan, where applicable. The Township may require the removal and replacement of any facade material which is not consistent with the material reviewed and approved.

13. Canopies. Canopies shall be considered as separate facades and shall be subject to all of the requirements of this Ordinance. On buildings with canopies, the materials and colors used on canopies shall be consistent with those used on the building. Not less than thirty (30) percent of the facade of a canopy shall be of a material identical to a material used on the building. Columns, fascias and sloped roof areas shall be included when calculating the area and percentage of materials of a canopy facade. Canopy soffit areas are not subject to this Ordinance. For the purpose of this Section the proposed architectural style shall be considered to be consistent if roof types and slopes, and decorative features are equal in both type and extent of those items on buildings in said district.

14. Façade Material Groups. Proposed facade materials shall be regulated in accordance to the proposed structure's location, zoning district and/or structure size. Five (5) distinct Façade Materials Groups are identified in the table below. All structures permitted within a specific Façade Materials Group shall be regulated in accordance with the Schedule Regulating Facade Materials. Planned Developments shall conform to the minimum requirements established for the Façade Materials Group as assigned by the Township at the time of planned development preliminary approval.

5.24.14 Façade Material Groups	
Façade Materials Group	Location
Group #1	Sites located in a single or multiple family district, except single family detached residences. Sites abutting, fronting or taking public road access from U.S. 23, M-59, Old U.S. 23, Whitmore Lake Road, Hartland Road (between M-59 and Crouse Road), Runyan Lake Road, and/or Clyde Road (between Pleasant Hill Drive and Hartland Road) and that contains a building with a gross floor area less than or equal to 60,000 square feet; Sites adjacent to a residential district, except meeting criteria of Façade Materials Group #4.
Group #1A	Sites located in a commercial district abutting, fronting or taking public road access from U.S. 23, M-59, Old U.S. 23, Whitmore Lake Road, Hartland Road (between M-59 and Crouse Road), Runyan Lake Road, and/or Clyde Road (between Pleasant Hill Drive and Hartland Road) that contains one or more buildings each greater than 60,000 square feet in gross floor area.
Group #2	Sites located in a non-residential, non-industrial district, other than those located in Façade Materials Group #1 or #1A.
Group #3	Sites located in an industrial district, other than those located in Façade Materials Group #1 or #1A.
Group #4	Sites located in a settlement residential or settlement commercial district.

5.24.14 Maximum Percentage of Façade Materials Allowed by Group					
Façade Materials	Group #1 [L] (%)	Group #1A [L] (%)	Group #2 (%)	Group #3 (%)	Group #4 [H] (%)
Brick, natural clay	100 (30% min.)[F]	100 (40% min.)[F]	100	100	100
Glazed brick [A]	25	25	25	25	25
Ceramic tiles	10	10	10	10	10
Limestone	50	50	100	100	100
Stone, field, cobble, and other types of stone	50	50	75	100	100
Granite or marble, polished	50	50	100	100	100
Decorative concrete masonry unit [B] (split faced)	25	25	50	75	0
Plywood siding (T-111)	0	0	0	0	0
Precast exposed aggregate	0	0	25	25	0
Precast, other	25	25	50	50	0
Flat metal panels	20	20	50	75	0
Standing seam metal	20	20	25[E]	50[E]	0
Ribbed metal panels	0	0	25	50[E]	0
Spandrel glass	15	10	25	25	0
Glass block	15	10	25	25	0
Glass [J]	50	50	50	50	50
Molded cornices, trim, columns, surrounds	15	20	15	15	20
Wood siding, painted tongue and groove, batten siding, 4"vinyl siding, and aluminum siding [G]	10	10	25	50	100
Exterior insulation finishing system [K]	15	10	50	50[C]	0
Cement Plaster	0	0	25	25	0
Awnings[D, I]	10	10	15	15	15
Asphalt shingles, asphalt-fiberglass shingles, or other similar roofing materials	25	25	25	50	25
Neon	0	0	0	0	0

15. Footnotes to the Schedule Regulating Facade Materials

    A. Allowed only if earth tone and matte finish.

    B. Plain faced, striated, fluted and scored concrete masonry units are not permitted. Ground, polished or burnished concrete masonry units forming an accent element in the building's design may be permitted with Planning Commission approval. Colors of any approved concrete block material must be part of the manufacturing process and not a painted on finish.

    C. Must be designed to simulate stone via a joint pattern. Maximum joint spacing shall be three (3) feet on center horizontally and four (4) feet on center vertically.

    D. Adjacent permanent facade materials shall extend behind awnings, backlit translucent awnings are not permitted.

E. Must have factory applied permanent color finish and shall not be visible from adjacent residential uses or public roads.

F. All buildings in Façade Materials Group #1, except those located within the I and LI District, shall have a minimum of thirty (30) percent brick.

G. Aluminum siding shall be permitted only when used as fascia.

H. For the rehabilitation of buildings fifty (50) years or older, the building materials and design shall be consistent with the Standards For Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior.

I. Awnings shall be permitted when located directly over a door or window opening. Awnings shall be complimentary to the building's architecture and design. The color of awnings shall be harmonious with the color of all façade materials used on the same building, as well as the color of façade materials used on adjacent buildings. The use of dissonant and intense colored materials shall be determined inconsistent with this Section.

J. Colored glass is prohibited. Tinted and stained glass windows may be permitted with Planning Commission approval.

K. Exterior insulation finishing system (EIFS) material shall not be used at the base of the building or as a dominant material.

L. The following design guidelines shall be applicable to all facades visible from a public or private road for any building:

i. One dominant material shall be used. Materials such as brick and stone, which convey permanence, substance and timelessness, are strongly encouraged.

ii. Facade entrances shall be the most prominent feature of the facade. Pedestrian entrances shall be enhanced with framing devices such as peaked roof forms, porches, overhangs, archways, larger door openings, display windows, accent colors, moldings, pedestrian-scale lighting and similar devices.

iii. Facades shall include repeating horizontal and vertical patterns in color, texture, material and plane to visually minimize the building scale.

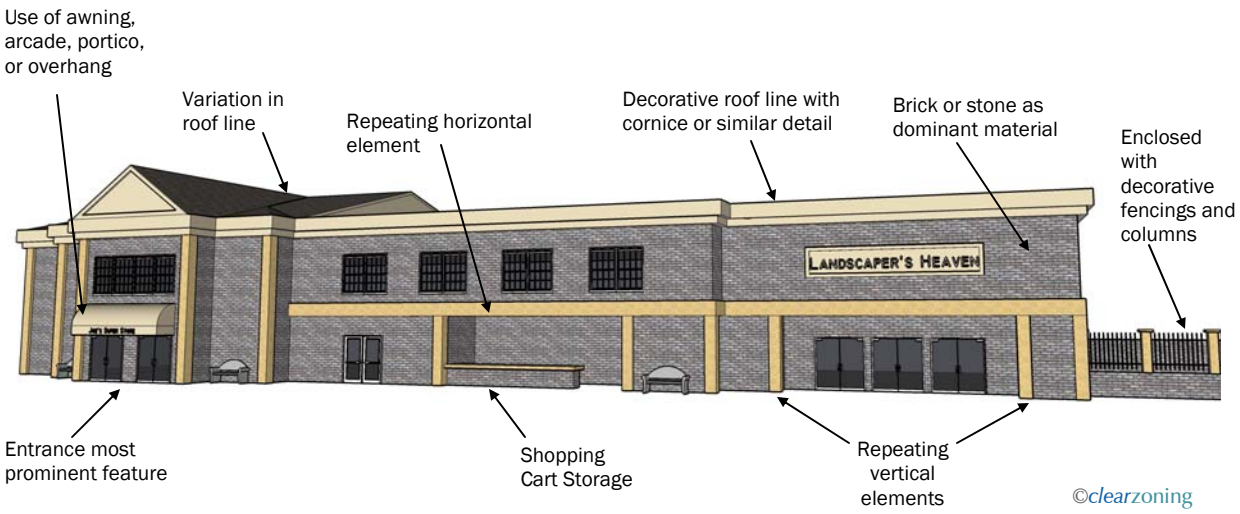
iv. Facades shall be visually divided into smaller units through the use and arrangement of appropriate architectural features and design elements to provide a changing and varying appearance. Such features and design elements may include, but are not limited to: projections, bays or recesses a minimum of three feet in depth; enhanced ornamentation and architectural detailing; variations in building height or window patterns; distinctively shaped roof forms, detailed parapets and cornice lines.

v. Rooflines shall be varied with a change in height of at least five feet every one hundred (100) linear feet.

vi. Outdoor or open air display and sales merchandise areas (i.e. garden centers or seasonal product sales) shall be shown on a site plan and shall be reviewed and approved as part of the proposed development. Such outdoor or open air areas shall be screened by a wall a minimum of four feet in height, on top of which may be black decorative metal fencing, sufficient to buffer the view of materials displayed or stored within that area, and regularly spaced columns consistent with the dominant material and design of the building. The exterior of the screen wall shall be treated consistently with the dominant material and design of the building. No merchandise products or services may be stored, displayed or sold from any area of the site other than an enclosed building or designated outdoor/open area. Merchandise and displays are specifically prohibited from the parking lot and sidewalks, including sidewalks abutting a building unless a Special Event Permit is issued.

vii. Outdoor storage of customer shopping carts shall be located adjacent to the building and screened by a wall a minimum of four feet in height to screen the carts from view. The exterior of the wall shall be treated consistently with the dominant material and design of the building.

FAÇADE ELEMENTS



viii. Shopping cart corrals provided in parking areas shall be designed as an integral part of the parking lot landscape island(s). The cart corral shall be a maximum of 10 feet in width and up to 40 feet in depth (generally the size of two back-to-back parking stalls). The cart corral area shall be flanked on each side by a landscape area a minimum of eight (8) feet in width and extending the full depth of the cart corral, and have a minimum six (6)-inch concrete curb to contain the carts between the landscape areas. Raised or depressed pavement may be used at the open end(s) of the cart corral to contain carts within. Plantings shall be provided within the landscape areas and shall include trees and hedges sufficient to obscure the view of stored carts to a height of three (3) feet. The landscape areas may count toward the interior parking lot landscaping requirements. No additional structures shall be permitted for storage of shopping carts in parking areas.

5.25 SINGLE FAMILY RESIDENTIAL DRIVEWAYS

All driveways providing access for single family dwellings shall be constructed in such a manner as to provide a year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. At a minimum, driveway construction shall consist of the removal of all unsuitable soil and placement of six inches of suitable road gravel. Driveways shall be a minimum of eight (8) feet wide with sufficient clearance of vegetation and other obstructions so as to provide for the access of all types of emergency vehicles providing emergency services in the Township.

5.26 SIGNS

1. Intent. These regulations are intended to permit signs that are needed for purposes of identification or advertising subject to limitations needed for safety, aesthetics, equal protection and fairness, sound land use planning objectives and other provisions as set forth herein. Nothing included in these provisions is intended to prohibit the rights of individual property owners to display political, religious, or personal messages on their own property. The requirements of this Section are intended to ensure that no sign will by reason of its size, location, construction, installation, maintenance, or manner of display endanger the health, safety, or welfare of the general public. Furthermore, it is the intent of this Ordinance to administer sign regulations in such a manner as to enhance the aesthetic appeal of the Township; to be fair to each property owner by establishing uniform standards that provide adequate exposure of

signs to the public; and to foster the land use planning objectives of the Hartland Township Comprehensive Plan and to prevent signs from causing unwanted disturbances to the residents of Hartland Township.

2. Permits and Enforcement

A. Permits Required. It shall be unlawful for any person to erect, alter, relocate or structurally change a sign or other advertising structure within the boundaries of Hartland Township without first obtaining a permit in accordance with the provisions set forth herein, unless specifically exempted by this Section.

B. Applications. An applicant shall submit a request for sign permit review by filing with the Zoning Administrator the required number of copies of a sign permit as well as the data and exhibits required in the application, the review fee and a complete application form in accordance with the sign permit application review and procedures. For new sign installation, the sign permit should coincide with the site plan application review, where applicable. At a minimum, the following information shall be required as part of the sign application:

i. Name, address, and telephone number of the applicant, business, and landowner, along with landowner's signature on the application.

ii. Location of the buildings, structure, or lot on which the sign will be located.

iii. A sketch or drawing of the sign showing its position in relation to nearby buildings, structures, property lines, roadways, and adjacent land uses within four-hundred (400) feet of the sign and any landscaping to be used in conjunction with the sign.

iv. If a monument sign is requested, adequate staking of the proposed location for on-site inspection by the Zoning Administrator.

v. Plans showing the dimensions, lettering style, color, materials, supports, method of construction, method of illumination, and method of attachment to the building or ground. Scale of not less than 1"=5'.

vi. A landscaping plan for all monument sign applications showing the location, size, quantity and species of proposed plantings.

vii. Name and address of person, firm, or corporation owning, erecting, and maintaining the sign.

viii. Other information as may be required by the Township to make the determination that the sign is in compliance with all applicable laws and ordinances.

C. Review of Application. All applications shall be submitted to and reviewed by the Zoning Administrator for completeness. The Zoning Administrator will determine if the application is complete and inform the applicant if additional information is required. A review and site visit, if appropriate, will be completed by the Zoning Administrator and/or any member of the Planning Commission. Upon a complete application, the Zoning Administrator may approve, approve with conditions or deny a sign application. In the absence of the Zoning Administrator, the application shall be forwarded to the Planning Commission for a decision. The Zoning Administrator, at his/her discretion, may defer review to the Planning Commission at which time the Planning Commission shall approve, approve with conditions or deny the sign application.

D. Exceptions. A new permit shall not be required for servicing an approved existing sign, repainting an approved existing sign with the same color(s), repairing an approved existing sign, cleaning an approved existing sign, or changing the message on an approved existing sign where the sign is designed as a changeable copy sign (such as numbers on a Fuel Price Sign). No land use permit is required for repairing of an approved existing sign if no structural change is involved.

E. Fees, Escrow and Performance Guarantee. A fee shall be paid at the time of application for reviewing the application. The amount of the fee shall be in accordance with the schedule of fees, which shall be adopted or amended from time to time by resolution of the Township Board.

Any required escrow or performance guarantee amounts shall be established or amended from time to time by resolution of the Township Board and shall be due in full at the time of application.

F. Inspection and Maintenance. The Zoning Administrator shall have the authority to routinely enter onto property to inspect existing signs. All signs shall be maintained at all times in a safe, secure, and attractive manner. Signs that are tattered, broken, faded, torn, burned out light bulbs, or otherwise no longer working, shall not be permitted or used. Signs that are erected, constructed, maintained, moved, or converted in violation of any provisions of this Ordinance shall be and is declared a public nuisance per se.

G. Reserved.

H. Removal of Obsolete Signs. Any sign that no longer identifies a business that is in operation, or that identifies an activity or event that has already occurred shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the property owner shall be responsible for removing all signs in conjunction with the business within thirty (30) days after vacating the business. However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.

I. Nonconforming Signs. Illegal non-conforming signs are not permitted and shall be immediately removed. It is the intent of the Township to eliminate legal nonconforming signs, except as otherwise specifically set forth in this Section. No legal nonconforming sign shall be altered or reconstructed unless the alteration or reconstruction is in compliance with this Section, except that legal nonconforming signs shall comply with the following regulations:

i. Repairs and Maintenance: Normal maintenance shall be permitted, provided that any legal nonconforming sign that is destroyed by means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting chipped or faded signs; replacing faded damaged surface panels; or, repairing or replacing electrical wiring or electrical devices. No legal nonconforming sign shall be structurally altered so as to prolong the life of the sign or to change its shape, size type or design.

ii. Changeable Copy Signs: The message on a changeable copy sign may be changed.

iii. Substitution: No legal nonconforming sign shall be replaced with another nonconforming sign. However, the portion containing the message may be replaced with a different message without affecting the legal nonconforming status of a sign, provided that the sign structure or frame is not altered. Sign shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that material must not transmit light from an internal illumination source.) They must also comply with all other Ordinance provisions.

iv. Modifications to the Principal Building: Whenever the principal building on a site on which a legal nonconforming sign is located is modified to the extent that a site plan review and approval is required, the nonconforming sign shall be removed.

Nothing in this Section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this Section regarding safety and maintenance of signs. All nonconforming signs that are not defined as legal nonconforming signs are considered to be and deemed illegal signs.

3. Application of Standards: Exempt Signs

The following signs are permitted in the Township and are specifically exempt from obtaining a sign permit and payment of fees except as otherwise provided in this Section, but shall be required to comply with all other requirements of this Ordinance.

A. Business Affiliation Sign: Signs (one or more) not exceeding a total of two (2) square feet per business.

B. Construction Sign: There shall be only one (1) sign per development; with a maximum height of seven (7) feet and not exceeding sixteen (16) square feet in area for residential projects; a maximum height of seven (7) feet and not exceeding thirty-two (32) square feet in area for non-residential projects; setback a minimum of ten (10) feet from any property line or public street right-of-way; and such signs shall not be erected until a land use permit has been granted by Hartland Township and all applicable land use permit fees have been paid. All construction signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy. These signs may use a pole-type construction.

C. Community Special Event Sign: Signs not exceeding sixteen (16) square feet in area, setback a minimum of ten (10) feet from any property line or public street right-of way, and with a maximum height of seven (7) feet. Such signs shall not be displayed for more than fourteen (14) days. Such signs shall be removed within two (2) days immediately following the conclusion of the event.

D. Flags: Up to two (2) flags of any combination limited to an insignia of any nation, state, community organization, educational institution, or non-commercial organization and one (1) commercial or corporate flag. All flags shall be displayed in accordance with The Flag Code, Title 4, United States Code, Chapter 1. All flags shall be displayed from a pole or other mounting which is permanently affixed to the ground or a building and dedicated to that purpose. A flag shall not be attached to any structure which is designed for an alternative use, such as a light pole or sign, or be located on the roof of a building. The height of flagpoles shall be a maximum of thirty-five (35) feet and flags may be a maximum of forty (40) square feet in size. Flags that are a part of a Township approved streetscape plan shall be exempt from these standards.

E. Fuel Station Pump Island Sign: Located on the structural supports identifying the "self-serve" and "full-serve" operations, provided there is no business identification or advertising copy on such signs, there are no more than two (2) such signs per pump island and such signs do not exceed four (4) square feet in area.

F. Garage Sale and Estate Sale Sign: Provided they are not attached to public utility poles or other public facilities and do not exceed six (6) square feet in area; and they are erected no more than five (5) business days before and are removed within one (1) business day after the announced sale.

G. Help Wanted Sign: Provided the maximum area shall be four (4) square feet.

H. Historical Marker: Shall not exceed sixteen (16) square feet in area and meet the requirements of the Michigan Historical Marker Program administered by the State Historic Preservation Office.

I. Home Occupation Sign: A maximum of one sign is permitted, on-premises only, to advertise a home occupation as follows:

   i. A non-illuminated sign, no more than two (2) square feet in size, mounted on the exterior of the residence, or

   ii. A non-illuminated permanent window sign up to twenty-five (25%) of the surface area of the street-level window to which the sign is attached, or a maximum of two square feet, whichever is greater, or

   iii. For properties zoned CA, a permanent, freestanding single or double pole or post, or other solid-base, non-illuminated sign, not more than five (5) feet in height and width from average grade, with a sign face of not more than six (6) square feet, and may be double-sided. The sign must be located in the front yard, and setback at least ten (10) feet from the front lot line, and fifteen (15) feet from a side lot line.

   All related design, construction, and maintenance standards shall apply to a home occupation sign.

J. Integral Sign: Shall not exceed two and one half (2.5) square feet in area.

K. Miscellaneous Sign: On vending machines, gas pumps, and ice containers indicating the contents or announcing on-premise sales, provided the sign on each device does not exceed two (2) square feet in area.

L. Model Sign: One sign directing the public to a model home or unit, which does not exceed six (6) square feet in area and six (6) feet in height shall be located on the property of the model home or unit.

M. Non-commercial Sign: Shall not exceed two (2) square feet in area.

N. Outline Tubing Sign: Shall be permitted for indoor "Open" signs to be located in the window of a business which does not exceed four (4) square feet and is only illuminated during regular business hours.

O. Owner/Tenant Sign: Address or occupant name and other signs of up to two (2) square feet in area mounted on the wall of an office building.

P. Parking Lot Sign: Shall be a maximum of six (6) feet in height and do not exceed two (2) square feet in area.

Q. Political Sign: Provided such signs are not placed within the public street right-of-way line in a manner that obstructs visibility and, if related to an election, such signs removed within ten (10) days following the election for which they are erected.

R. Private Road Name Signs: Shall not exceed one (1) square foot in area.

S. Real Estate Sign: One (1) non-illuminated real estate sign shall be permitted per lot for each public or private road frontage. One (1) additional open house sign shall be permitted for a period not to exceed two (2) consecutive days for every seven (7) day period on the lot where the sale is taking place. Any sign six (6) square feet or more in area must be set back a minimum of ten (10) feet from the public right-of-way or private road easement. Such signs shall also comply with the following district-specific requirements:

i. Residential Districts: The maximum height of any such sign shall be six (6) feet and shall not exceed six (6) square feet in area, unless the standards of subsection 5.26.3.R.ii below are applicable.

ii. Residential Districts, Lots Ten (10) Acres or Greater along Certain Major Roads: The maximum height of any such sign shall be seven (7) feet tall and shall not exceed thirty two (32) square feet in area, so long as the lot is a minimum of ten (10) acres and has frontage along M-59 or Old US-23, or is adjacent to US-23.

iii. Non-Residential Districts: The maximum height of any such sign shall be seven (7) feet and shall not exceed thirty two (32) square feet in area.

All real estate signs shall be removed immediately after the property is sold, rented, or leased. For purposes of this Ordinance, a property shall be considered sold when a purchase agreement or similar document which limits the availability of the property has been executed by all parties in interest.

T. Regulatory, Directional and Street Sign: A sign erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices Manual.

U. Rental Office Directional Sign: Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided such signs are a maximum of four (4) feet in height, are setback a minimum of ten (10) feet from any property line or public right-of-way, and do not exceed three (3) feet in area. Such signs shall be located on the same premises as the development.

V. Roadside Stand Sign: A maximum of one (1) on any parcel and not exceeding thirty two (32) square feet in area and seven (7) feet in height. Such sign shall be located on the same premises as the roadside stand.

W. Street Address Sign (Street Numbers): Not exceeding six (6) inches in height for residences and eighteen (18) inches in height for businesses.

X. Temporary Sign: One (1) temporary sign may be permitted per business or tenant, per site for a period not to exceed thirty (30) days. A business shall be allowed to use a temporary sign once during its stay at the same location or whenever there is a change in owners. The sign shall be no larger than thirty two (32) square feet in surface area per side and shall not exceed seven (7) feet in height. Wind-blown devices such as pennants, spinners and streamers shall be considered a temporary sign and also be allowed on the site of the business advertising a grand opening for the thirty (30) day time period designated for the temporary sign.

Y. Warning Sign: Such as no trespassing, warning of electrical currents or animals provided such signs do not exceed two (2) square feet.

Z. Window Signs:

i. Window Signs, Permanent: Permanent window signs shall be permitted to occupy no more than twenty-five (25%) percent of the total surface area of each individual street-level window to which the sign is attached or visible from and not to be included in the measurement for allowable wall sign area up to a maximum of twenty (20) square feet. The area of permanent window signs that exceed twenty-five (25%) percent of the total surface area of each individual street-level window or greater than twenty (20) square feet shall be deemed a wall sign for purposes of calculating sign area pursuant to Section 5.26.8 and must obtain all required permits.

ii. Window Signs, Temporary: Temporary window signs shall be permitted to occupy no more than ten (10%) percent of the total surface area of each individual street-level window which the sign is attached or visible from.

iii. The total area of permanent and temporary window signs shall not exceed twenty-five (25%) percent of the total surface area of each individual street-level window, up to a maximum of twenty (20) square feet.

4. Prohibited Signs. The following signs are not permitted in the Township:

A. Any sign not expressly permitted.

B. Animated signs.

C. Electronic signs.

D. Commercial vehicle signs that are being used principally for advertising purposes, rather than associated with and regularly used in the course of conducting the principal use located on the premises in which the vehicle is located.

E. Signs that stipulate or could in any way be confused with the lighting of emergency vehicles or traffic signals shall be prohibited.

F. Flashing signs.

G. Inflatables.

H. Moving signs.

I. Outline tubing/neon signs shall be prohibited unless otherwise provided for in this Section.

J. Any signs containing obscenity.

K. Signs that obstruct vision or impair the vision of motorists or non motorized travelers at any intersection, driveway, within a parking lot or loading area.

L. Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water tower with the exception of the name of the municipality.

M. Pole Signs, unless otherwise provided for in this Section as a home occupation, construction, donor recognition, or agriculture sign.

N. Portable Signs, unless otherwise provided for in this Section in the LC and STR zoning districts.

O. Non-regulatory signs placed in public right-of-way, attached to a utility pole or affixed to a tree shall be prohibited, except signs of a government utility.

P. String lights: Exterior string lights used in connection with a commercial enterprise shall be prohibited, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within ten (10) days following for which they were erected. In no case shall exterior string lights be used for more than seventy (70) days per calendar year.

Q. Painted wall signs: No sign may be painted directed onto any building surface.

R. Searchlights

5. Address Sign Requirements. All buildings within the Township shall have an address sign which is clearly visible from the center of the street or road that the building is issued an address on. This may be accomplished in two ways:

A. Inclusion of the street address numbers on the monument sign on the lot or parcel in which the building is located. In the case of one entrance drive being used for multiple addresses, the monument sign should include the range of address numbers serviced by that entrance drive.

B. Address numbers may be located directly on the building if they are visible from the center of the road servicing the building. Maximum number size shall be eighteen (18) inches in height for all commercial, industrial or office buildings.

C. All commercial, industrial and office buildings within the Township shall also have an address sign/numbers located above or next to the entrance door for each building address. The address numbers shall be a minimum of six (6) inches in height.

6. Off-Premise Signs. Due to the size and character of off premise signs, the following requirements apply:

A. Special Use. The erection of any off-premise sign (billboard) requires special use approval conditioned upon the terms of this and other Township Ordinances. Following a special use approval, a sign permit may be granted, subject to compliance with all of the following requirements:

i. Allowable Zoning Districts: Billboards are allowed as a principle use subject to special use approval in the I, Industrial District abutting US-23 only, where no other main structures exist. The billboard must be constructed in such a manner as to be viewed principally from US-23 and not from auxiliary roadways, side road, traffic intersections, or residential areas.

ii. Location: Billboards shall be constructed so its principle view is fully screened from an interchange area involving merging traffic. All billboards must comply with the following:

a. Shall be located at least five-hundred (500) feet from any residentially zoned area, historic district or outdoor park/recreation facility.

b. The premise must have a roadway easement to a non-US-23 primary or secondary road such that the persons maintaining and servicing the sign may reach the site without danger from high speed traffic.

iii. Construction Details: Billboards shall comply with the following height requirements:

a. A maximum height of twenty (20) feet in height above the median ground level within a five-hundred (500) foot radius of the site.

b. Shall be prohibited from extending above the tree line or horizon when viewed from any portion of the roadway it faces, being located on or over the roofs of buildings or projecting over any public easement or right-of-way.

iv. Surface Display Area: Billboards shall have a maximum of two-hundred (200) square feet in surface area and shall be limited to one (1) face. Faces may not be joined horizontally or vertically. Only one (1) business or organization may advertise on any one (1) face. Electronic or mechanical changeable message signs are prohibited.

v. Spacing and Setback: Billboards shall comply as follows:

a. A minimum of two-thousand (2,000) feet between any other billboard measured in all directions and including billboards in adjacent Townships.

b. A minimum of one-hundred (100) feet between a permitted on-premises sign.

c. At least five-hundred (500) feet from any park, school, church, hospital, cemetery or government building.

d. Shall comply with all setback requirements of the I, Industrial District.

vi. Colors: Billboard colors used shall not include fluorescent or brilliant shades that may be distracting, except that commonly used company logo colors may be used if the logo does not exceed five (5%) percent of the face area of the sign.

vii. Moving Parts: Moving, flashing, oscillating or other distracting parts visible to drivers are prohibited.

viii. Illumination: Illumination standards of Sections 5.26.7.A and 5.11 of this Ordinance shall be required.

ix. Landscaping: Billboards shall be planted with low growing shrubbery in front of and at the end of each side of the sign and evergreen trees behind the sign such that the framework or superstructure of the sign is generally not readily visible to passing traffic.

x. Non-Use: Billboards not in use shall have the unused surface display a scenic view, consistent with the Township scenery, blank white surface, or a public service message.

xi. Maintenance: Any billboard that collapses, topples or disintegrates shall be made safe within thirty (30) days and the site shall be cleared of debris.

xii. State Compliance: Billboards shall comply with applicable requirements and conditions of P.A. 106 of 1972 as amended "The Highway Advertising Act of 1972."

xiii. Identification Plate: The framework, foundations or superstructure of a billboard shall have a metal identification plate firmly attached thereto.

7. Design Standards For Permitted Signs

Signs serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided that no such sign shall be erected or altered until approved by the Zoning Administrator unless otherwise noted and until a permit has been issued.

A. Illumination

i. General Requirements: Signs shall be illuminated only by a steady, stationary, shielded light source directed solely at the sign, or internal to it. No intermittent flashing, rotating, moving, or oscillation lighting shall be permitted.

ii. Non-Glare, Shielded Lighting: Use of glaring, unshielded or undiffused lights or bulbs is prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.

iii. Bare Bulb: Use of bare bulb illuminated signs shall not be permitted.

iv. Traffic Hazards: Any sign illumination or placement that could cause distraction to motorists is prohibited.

v. Signs without internal illumination shall consist of individual letters, logos or panel construction.

B. Measurement Of Sign Area

i. Monument Signs: The area for signs shall be measured by calculating the square footage of the sign face, measured by enclosing the most protruding points or edges of a sign within a rectangle including the frame. On a monument sign, a decorative masonry base or column shall not be included in the sign area measurement. The name of the development shall be included in the calculation of the square footage if included in the sign's message. The area of a double faced sign shall be computed using only one (1) of the sign faces provided that:

a. The outline and dimensions of both faces are identical, that is the outlines of the back-to-back faces shall be coterminous; and

b. The faces are back-to-back so that only one (1) face is visible at any given time.

If the back-to-back faces are unequal, the area of the sign shall be computed using the area of the larger face.

ii. Wall Signs: The wall sign area square footage shall be determined by enclosing the portion of the wall which contains a message, lettering, symbol and/or logo within a square or rectangle. Signs placed on canopies shall also be counted towards the allowable wall sign area.

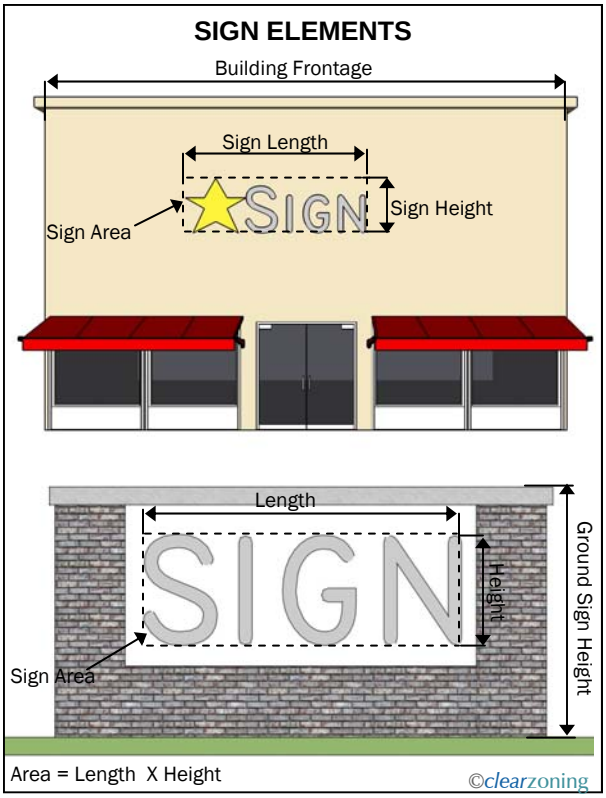
C. Sign Height

i. Monument Signs. The height of the sign shall be measured from the average grade to the upper most point of the sign. Average grade shall be measured fifty (50) feet along the frontage parallel to the road from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.

ii. Wall Signs. The maximum height of a wall sign shall be the lesser of the following:

a. The maximum height specified in the district for which the sign is located.

b. The height of the building facing the street on which the sign is located.



D. Setback and Distance Requirements. All signs, unless otherwise provided for, shall be setback a minimum of ten (10) feet from any public street right-of-way, private road easement or property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way, access easement or property line.

In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained as required by Section 5.1 of this Ordinance. Greater clear vision areas may be required by the Michigan Department of Transportation or the Livingston County Road Commission in particular areas. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices or street signs.

E. Sign Design Features. All signs permitted in the various zoning districts shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Lettering shall be clean and simple to assure readability and shall be in harmony with the style of architecture of the building. Reflective materials are prohibited.

Monument signs shall have a masonry base and surround that complements the architectural character of the buildings on the same lot or parcel. The masonry base width shall be one-hundred (100%) percent of the width of the sign face.

F. Construction and Maintenance. Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal part and supports.

8. Specific Sign Standards. The number, display area and height of signs within the various zoning districts are provided in the table below and in the accompanying set of footnotes. Some additional standards for specific types of signs are given below:

A. Canopy Sign: May be used as an alternative to wall signs and may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. The total area of lettering and logo shall not exceed twenty five (25%) percent of the total area of the canopy that would be visible from the front of the canopy. Any sign area of the canopy shall be included in the calculations of maximum wall sign square footage.

B. Directional Sign: No more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of three (3) feet. Any area of a directional sign that includes a business name, symbol or logo shall be calculated as part of the allowable monument sign square footage, as specified in the table below. The Planning

Commission may require additional directional signs when it is determined to be necessary and beneficial for enhanced traffic flow, vehicular and pedestrian movements and wayfinding.

C. Fuel Price Sign: No more than one (1) fuel price sign per fuel station, not to exceed twenty (20) square feet. The sign shall comply with height and setback requirements for monument signs in the district which the sign is located. If the sign is included on a monument or wall sign, the fuel price area must be included the total permitted sign area.

D. Menu Board: For an approved drive-through business, up to two (2) signs each no greater than thirty two (32) square feet in total area and seven (7) feet in height shall be permitted. Such sign shall not be located in the front yard.

E. Monument Sign: A minimum setback of ten (10) feet shall be provided from the right-of-way, when located to ensure adequate sight distance for motorists. Dimensional standards for monument signs are given in the table below.

F. Under Hanging Sign: No more than one (1) under hanging sign shall be permitted for each business in the LC, Limited Commercial District and the GC, General Commercial District. A maximum sign area of six (6) square feet with a minimum clearance of eight (8) feet is permitted. Under hanging signs shall be designed to serve pedestrians rather than vehicular traffic and shall not be illuminated.

G. Projecting Sign: No more than one (1) projecting sign shall be permitted per business in the LC, Limited Commercial District and shall be further subject to the following:

i. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, and shall be pinned away from the wall at least six (6) inches.

ii. Such signs shall project from the wall at an angle of ninety (90) degrees.

iii. Such signs shall maintain a minimum clearance of eight (8) feet above grade and shall not project above the height of the building façade that it is attached.

iv. A maximum of one (1) projecting sign shall be permitted per use having its own individual means of outdoor public access with a maximum sign area of twenty (20) square feet per sign face.

v. Such signs are not subject to the setback and distance requirements identified in Section 5.26.7.D.

vi. A temporary panel, no more than 25% of the area of the projecting sign, but no more than five (5) square feet, may be attached below the projecting sign, for the purpose of advertising a special feature, occurrence or event. The panel may be changeable, but must be similar to the projecting sign in terms of type, style, design, materials, and decorative elements. The temporary panel may only be displayed during business hours. All other related standards, including minimum clearance, shall be met.

H. Wall Sign: Signs shall be located on the vertical face of the building wall's primary entrance generally parallel to the road right-of-way of the individual business. Wall signs shall further be subject to the following:

i. Wall signs shall not exceed the maximum building height specified for the district in which the sign is located or the height of the building facing the street on which the sign is located for single story buildings. In no instance shall a wall sign be permitted above the first story. The raceway and mounting brackets shall match the building color onto which it is affixed. Internally illuminated wall signs shall consist of individual letters or logos mounted by way of a raceway or bracket which matches the building.

ii. A maximum of two (2) internally illuminated panels upon which the business or tenant name or logo is displayed may be permitted provided the total area of panel signs is not greater than ten (10) square feet. The panel background shall be constructed with an opaque material so as to limit any illumination to the individual cut letters or logo. Except one panel may be constructed with a translucent material as long as it does not exceed

five (5) square feet or 25% of the total sign area, whichever is less. All panel signs shall be measured as part of the total sign area permitted for wall signs. In no case shall the light source be visible through the face of the sign.

iii. Wall signs shall not cover architectural details such as arches, transom windows, moldings, columns, sills, cornices, or similar details.

I. Window Sign, Permanent: Permanent window signs that exceed twenty-five (25%) percent of the total surface area of each individual street-level window or greater than twenty (20) square feet shall be deemed a wall sign for the purposes of calculating sign area.

J. Portable Business Sign in the LC or STR District: A permit allowing for one temporary sign, to be displayed during business hours only, may be issued per commercial establishment in the LC-Limited Commercial, and the STR-Settlement Residential zoning districts subject to the following:

i. The sign may be either an A-frame style with visible feet, or a solid-base pedestal style.

ii. The sign may be no more than four (4) feet in height, two (2) feet in width, with a comparable base or pedestal spread, sufficiently weighted, but not visibly so, in a manner so as not to topple in windy conditions.

iii. The sign area may be no more than seven (7) square feet, and may be double-sided.

iv. The sign content must be contained within a frame, and must maintain a professional appearance in color, style, lettering, and materials; chalk and white boards that maintain a professional appearance are permitted.

v. The sign must be placed no further than ten (10) feet in front of the business it advertises, and a minimum of one (1) foot from a side property line, as projected; a minimum three (3) foot clear zone, in accordance with ADA requirements, must be maintained.

vi. The sign may not obstruct building entrances, and may not be illuminated or electrified in any manner.

vii. If the sign is proposed to be placed in the public right-of-way, the permit grantee must provide evidence that the Township is indemnified and held harmless against any and all claims, lawsuits or other liability associated with the sign or sign placement; nothing in these provisions shall be construed to affect in any way the Township's governmental immunity as provided by law.

K. Donor Recognition Sign: A maximum of one temporary sign is permitted, on-premises only, following issuance of a sign permit, to recognize donors as follows:

i. Recognition of contributions to a public or quasi-public, municipal or non-profit entity construction project:

a. A non-illuminated pole sign, no more than seven (7) feet in height from average grade, with a maximum sign area of thirty-two (32) square feet and setback a minimum of ten (10) feet from the property line; the sign may be double-sided provided the sign faces are the same;

b. The sign may be erected from the date a building permit is issued to six months following the date the subject construction is completed, as evidenced by the date of the final inspection; in no case, however, may the sign remain erected longer than eighteen (18) months;

c. A new donor recognition sign permit may not be issued within six (6) months of the expiration of a similar permit;

d. The sign text must be for the sole purpose of recognizing donors, and be free of advertising except for logos;

e. The sign shall be designed to be compatible with the character of the principal building or facility to promote an overall unified aesthetic; related design, construction, and maintenance standards shall apply.

ii. Recognition of contributions to a public park or related programming as follows:

a. A non-illuminated pole sign, no more than seven (7) feet in height from average grade, with a maximum sign area of thirty-two (32) square feet and setback a minimum of ten (10) feet from the property line;

b. The maximum duration of the donor recognition elements of the sign text may not exceed one (1) year;

c. The sign text must be for the sole purpose of recognizing donors and be free of advertising except for logos;

d. If the sign is designed to accommodate temporary medallions, tiles, plaques or emblems, the sign frame and generic sign text may be permanent, provided the medallions, tiles, plaques or emblems containing the donor recognition information are removeable or changeable;

e. If the sign frame itself is designed to be permanent, the base of the sign must be landscaped as follows:

(1) Landscape area shall be a minimum width of five (5) feet on each of the longest sign faces.

(2) Landscape area must be defined by an edge to maintain a finished appearance.

(3) Plantings shall include a mix of evergreen and deciduous shrubs or trees to provide year -round interest.

(4) Perennials, annuals and mulch may be used, but shall not exceed 30% of the planting area.

(5) Landscaping should be in scale with the sign height and length to create a substantial base

f. Signs shall be designed to be compatible with the character or nature of the facility and present an overall unified aesthetic; applicable design, construction, and maintenance standards shall apply.

L. Agriculture Sign: One, non-illuminated sign identifying an agriculture or farming operation is permitted on the premises of such use located in the RUR-Rural Residential or the CA-Conservation Agriculture Districts subject to the following:

i. Such sign may be single or double pole or post, or other solid-base style, set back a minimum of ten (10) feet from any property line;

ii. Such sign may not exceed seven (7) feet in height from the average grade, and thirty-two (32) square feet in area, and may be double-sided; a maximum of thirty (30) percent of the sign area may be temporary, changeable copy, provided the changeable copy is in the form of a temporary panel designed to attach below the sign, with text limited to identifying a specific feature or event associated with the agriculture or farming use;

iii. The sign must maintain a professional appearance in color, style, lettering, and materials, and comply with other applicable design, construction, and maintenance standards contained herein.

Regulations for Wall/Canopy, Monument, and Projecting Signs							
District	Wall or Canopy Sign [i]		Monument Sign [ii]			Projecting Sign	
	Max. No. of Signs	Max. Size	Max. No. of Signs	Max. Size	Max. Height	Max. No. of Signs	Max Size
All Single and Multiple Family Residential Developments and Mobile Home Park Districts [iv, v]	0	0	1	64 sq. ft.	7 ft.	0	0
All Commercial Districts	1 per business	80 sq. ft.	1	64 sq. ft.	7 ft.	0	0
All Office Districts	1 per business	20 sq. ft.	1	64 sq. ft.	7 ft.	0	0
All Industrial Districts	1	80 sq. ft.	1	64 sq. ft.	7 ft.	0	0
Planned Development Districts	1	80 sq. ft.	1 [iii]	64 sq. ft.	7 ft.	0	0
Limited Commercial District	1	80 sq. ft.	1	64 sq. ft.	7 ft.	1	20 sq. ft.

M. Footnotes:

i. Wall or Canopy Sign: One (1) wall or canopy sign shall be allowed per business unless otherwise allowed by this Section. The maximum wall sign shall not exceed two (2) square feet for every one (1) linear foot of building frontage, up to a maximum of eighty (80) square feet. In the case of a multi-tenant building or shopping center, these size requirements shall apply to each business that has an individual means of public access from the same building FRONTAGE on which the sign will be located. The maximum allowable wall sign may be utilized in the following manner:

a. Two (2) wall signs may be permitted for businesses located on a corner or through-lot. One sign may be permitted on the principal building's primary frontage. An additional sign may be permitted on the building's secondary frontage as long as no monument sign is located on the same frontage. Each wall sign shall comply with the maximum size allowed under this Section.

b. Two (2) wall signs shall be permitted for businesses located on an interior lot which under certain circumstances, such as obstructed views and building orientation, require additional visibility. The total sign area between the two (2) signs may not exceed one hundred (100) square feet.

c. For retail buildings in excess of 60,000 square feet the Planning Commission may permit one (1) additional square foot of wall signage for each linear foot of building frontage greater than forty (40) feet not to exceed two-hundred (200) square feet of aggregate wall signage. Such additional wall signage may be allocated to more than one (1) sign but the total area of any single wall sign shall not exceed one-hundred fifty (150) square feet.

d. Wall signs in any Office District shall be non-illuminated.

ii. Monument Sign: One monument sign shall be permitted per property in addition to any other permitted signs described in this Section. The maximum area of a sign shall not exceed one (1) square foot per two (2) linear feet of lot frontage, not to

exceed a total sign area of sixty four (64) square feet.

a. For buildings or lots having frontage along a second public street, US-23, Old US-23 or M-59, a second sign may be permitted as long as no wall sign is located on the same front.

b. All monument signs shall include adequate landscaping in size and quantity of plant material around the base of the sign so as to create a unified and aesthetic appearance with the structure or development in which the sign is promoting.

c. If multiple parcels or buildings are accessed from the same entrance drive, only one (1) monument sign shall be permitted. The total sign area shall be allocated on an equal basis to all parcels or buildings being served by the entrance drive or the name of the development or center in lieu of individual tenant advertising. The total sign area for such signs may be increased by a half (1/2) square foot for each additional linear foot of lot frontage over one hundred twenty eight (128) feet of frontage, not to exceed a maximum of 80 square feet and seven (7) feet in height.

d. All panels within an internally lit monument signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that material must not transmit light from an internal illumination source.)

e. Monument signs with external illumination may display a message with individually cut letters/numbers or an engraved stone.

f. Monument signs designed and approved with changeable panels may be reviewed and approved by the Zoning Administrator upon determination that all other requirements of this Section have been met. The Zoning Administrator, at his/her discretion may require Planning Commission review and approval.

iii. If the proposed signs are part of a Planned Development (PD), sign approval may be granted during the PD approval process by the Planning Commission.

iv. Residential communities or non-residential developments are permitted one (1) permanent monument sign per entrance which does not exceed thirty two (32) square feet in area and a maximum height of seven (7) feet identifying developments such as office complexes, a college, a subdivision, an apartment complex, condominium communities, senior housing complexes, mobile home parks, and similar uses. In certain circumstances the Planning Commission may determine that the interests of public safety are best served with monument signs directed toward traffic approaching from both sides of the adjacent road. In that event, the Planning Commission may permit not more than one (1) monument sign on each side of an entrance for a total of two (2) monument signs at the entrance. If the Commission permits two (2) monument signs at the entrance, the signs shall be identical in materials and in the message displayed and shall be carefully integrated with the landscaping and lighting and the entrance to create an aesthetically pleasing and safe identification for the use.

v. All non-residential uses permitted in single family, multiple family and mobile home park districts shall comply with the sign requirements for the Office District.

5.27 ANTI-BLIGHT AND ANTI-NUISANCE REGULATIONS

1. General Provisions. Certain land, by reason of the nature of its use, and certain buildings and structures, by reason of the nature of their use or by reason of their condition due to obsolescence, dilapidation, deterioration, neglect, lack of maintenance, and otherwise, become incompatible with the uses of land and the buildings and structures, and the uses thereof, permitted in the various Districts and/or become a danger to the health, safety and

general welfare of the township and the inhabitants thereof and become, thereby, a blight and nuisance within the Township.

2. Intent. It is the purpose of this section to prevent, reduce and eliminate blight, blighting factors and nuisances in Hartland Township by preventing or eliminating certain conditions and uses of land and buildings and structures in Hartland Township which caused blight or nuisance and which conditions and uses may now exist or may in the future exist within Hartland Township.

3. Blight, Blighting Factors, Nuisances and Causes Thereof Prohibited. All blight, blighting factors, nuisances and causes thereof, as defined herein, are prohibited upon all property in Hartland Township and shall constitute illegal, non-conforming uses to be abated. No owner, occupant or other person shall permit any such uses to exist upon any property in Hartland Township.

4. Blight, Blighting Factors, Nuisances and Causes Thereof. The following conditions and uses of land, building and structures are determined to be blight, blighting factors, or nuisances, or causes thereof, which will result in blighted and undesirable neighborhoods or which will result in public nuisances unless abated:

   A. The keeping, maintaining, or storage of a junk automobile which is not totally screened from view off-site or stored outside of a totally enclosed building. A junk automobile is defined as including, but not necessarily limited to, any automobile which is not licensed for use upon the highways of the State of Michigan for a period in excess of six (6) months or, whether or not licensed, not operable, for any reason, for a period in excess of sixty (60) days, unless otherwise permitted pursuant to the provisions of this Ordinance.

   B. The keeping, maintaining, accumulating or storage of junk, trash or litter. Junk, trash and/or litter is defined as including:

      i. Building materials, unless there are in force valid land use and building permits with respect to construction taking place upon the property, and the materials are intended for use in such construction. Building materials are defined as including, but not necessarily limited to lumber, bricks, concrete or cinder blocks, plumbing pipe and material, electrical wiring and equipment, heating ducts and equipment, shingles, mortar, concrete, cement, nails, screws, windows glass and any other substance or material used in the construction of buildings.

      ii. Parts of machinery or automobiles which are discarded, abandoned, inoperable, or in accumulations.

      iii. Remnants of wood, other than that which constitutes building material or is cut and stacked for heating use.

      iv. Unused, abandoned, or discarded stoves, refrigerators, televisions and other appliances.

      v. Old scrap material of every kind, such as, but not necessarily limited to, copper, brass, rope, rags, batteries, paper, boxes, rubber, iron, steel, metal shavings, metal scrap or scrap metal in any other form.

      vi. Broken glass or any other dangerous pointed or edged substances.

      vii. Refuse, garbage, waste, dead animals, accumulations of ashes, branches, leaves or yard clippings or any noxious material excluding individual household compost piles properly maintained. All compost piles shall be located so as to conform to setbacks required for an accessory building.

   C. The keeping of any abandoned, unattended, or discarded icebox, refrigerator or container of any kind and size which is sufficient to permit the entrapment of a child therein.

   D. A well or cistern which is not sufficiently covered so as to prevent access thereto by any person or which is not fenced with a good and substantial fence of a height of not less than four (4) feet.

   E. A hole, excavation or partially constructed basement which is not sufficiently covered so as to prevent access thereto by any person or is not fenced with a good and substantial fence to a height of not less than four (4) feet where the same is for the purpose of ongoing construction of a building or structure pursuant to valid land use and building permits and where more than sixty (60) days has elapsed from the date of the commencement of digging or excavation.

F. Any hole, shaft, pit, trench or other non-natural opening in the ground which is not filled in with dirt or sufficiently covered so as to prevent access thereto by any person or fenced with a good and substantial fence to a height of not less than four (4) feet and any such opening, even if fenced, which is allowed to accumulate stagnant or putrid water.

G. Any building or structure, or portion thereof, which is unoccupied and which is unguarded or open at any door or window or any other portal or opening permitting ingress, its window to be glazed and locked or boarded up and its doors to be locked or boarded up to prevent ingress and al other portals to boarded up to prevent ingress.

H. Any land, building or structure which has thereupon any obstruction or hindrance of any sort which would be reasonably expected to interfere with the efficiency and use of any fire, ambulance or police protection equipment, either upon or around that, or any other, land, building or structure.

I. Any dwelling which does not have adequate facilities for the disposal of human excreta or other sewage.

J. Any dwelling which does not have available therein, or upon its premises, a sufficient source of clean water which could be reasonably expected to meet the needs of persons residing thereat.

K. Any dwelling or portion thereof, which is conducive to the harboring or breeding of rats, rodents or vermin.

L. Any building or structure, or portion thereof, which by reason of structural damage caused by fire, explosion, wind, rain or other natural disaster or by reason of vandalism or other intentional damage or by reason of neglect, lack of maintenance, obsolescence, physical deterioration, dilapidation and the like is not longer habitable or reasonably and safely useful as a dwelling or no longer reasonably and safely useful for any other purpose for which it was originally intended.

M. Any building or structure, or any portion thereof, which is partially completed, unless it is in the process of construction and/or completion pursuant to valid land use and building permits.

N. Any building or structure, or any portion thereof, which constitutes a fire hazard or is dangerous to human life for any other reason not specifically listed herein.

O. Any building or structure, or any portion thereof, which due to any one or more, of the aforesaid conditions cannot be repaired, rehabilitated or completed, so as to abate its violation of this Ordinance, at a cost less than its state equalized value.

Article 6.0
Development Procedures

Article 6.0 Development Procedures

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6.1 SITE PLAN REVIEW

Site plan review and approval is required for all uses except detached one family residential and farm uses, in accordance with this Section.

1. Site Plan Approval Required. The following buildings, structures and uses, including their erection or structural alteration, change or creation of a new use, or modifications or amendments, thereto require site plan review and approval under this section.
   - A. A building containing two (2) or more dwelling units.
   - B. Any principal building, structure, or addition thereto, except single family dwellings, their customary accessory uses and farm buildings, permitted in any residential district (including the CA District).
   - C. Essential service buildings and structures.
   - D. Any parking lot or parking lot expansion when not a part of a development or use for which site plan review and approval is required elsewhere in this section.
   - E. Any use in any of the following zoning districts:
     - i. "LC" Limited Commercial District
     - ii. "GC" General Commercial District
     - iii. "RDP" Research and Development Park District
     - iv. "LI" Light Industrial District
     - v. "I" Industrial District
     - vi. "PD" Planned Development District
     - vii. "MR" Multiple Family Residential District
     - viii. "CA" Conservation Agriculture, except single family dwellings
     - ix. "RR" Residential-Recreational District, except single family dwellings
     - x. "RUR" Rural Residential District, except single family dwellings
     - xi. "STR" Settlement Residential District, except single family dwellings
     - xii. "RE" Rural Estate District, except single family dwellings
     - xiii. "SR" Suburban Residential District, except single family dwellings
     - xiv. "MDR" Medium Density Residential, except single family dwellings
     - xv. "HDR" High Density Residential, except single family dwellings
     - xvi. "NSC" Neighborhood Service Commercial District
     - xvii. "OS" Office Service District
     - xviii. "MR-2" Mobile Home Park District
   - F. All Special Uses.
   - G. Any mineral extraction operation, excavation, earth removal operation, grading activity, earth-filling activity and any other activity resulting in the removal or addition of earth, soil, or other similar material except for such activities as are a normal, necessary and integral part of any other activity which is exempted from or not required to undergo site plan review. Excavations necessary for basements and drain fields for single family residences and grading or excavation necessary for drain fields or septic tanks do not require site plan review.
   - H. Mobile Home Park Plans: Approval of the Planning Commission shall be required for the site plan of a mobile home/ manufactured housing park. The Michigan Department of Commerce shall have the authority to approve the construction plans.
2. Site Plan Not Required. Site plan approval is not required for the following activities:
   - A. Construction, moving, relocating or structurally altering a single family dwelling, including any customary accessory structures.
   - B. Development of a principal agricultural use, or the construction, moving, relocation or structural alteration of permitted agricultural structures, including any customary accessory structures.
   - C. Any excavation, filling, soil removal, mining, or creation of ponds that are less than 1,000 square feet in area provided that such activity is normally and customarily incidental to single family and agricultural uses as described in this sub-section.
3. Prohibitions Related to Site Plan Approval. No grading, removal of vegetation, filling of land or construction shall commence for any development for which site plan approval is required until a site plan is approved and is in effect.

4. Application for Site Plan Approval

   A. An applicant shall submit a request for site plan review by filing with the Zoning Administrator the required number of copies of a site plan as well as the data and exhibits required in the application, the review fee and a complete application form in accordance with the site plan review application and procedures. The Zoning Administrator, upon receipt of the complete application, shall transmit the site plan drawing(s) to the Planning Commission prior to its next regular meeting.

   B. Information required. A site plan submitted for review and approval shall contain all of the information identified on the site plan review checklist prior to its submission to the Township for review. Site plans shall consist of an overall plan for the entire development. Sheet size shall be 24 inches by 36 inches with plan view drawn to a scale of no greater than one inch equals 50 feet. The Zoning Administrator may also request copies of all plans and drawings in electronic form and at a reduced size format.

5. Informal Review

   Informal Site Plan Review . The applicant may submit an application for review of an informal site plan by the Site Plan Review Committee prior to submittal of a complete preliminary or final site plan. The purpose of an informal site plan is to permit the applicant to obtain preliminary feedback on the potential location of buildings, points of egress and ingress to the site, and an indication of other likely improvements necessary to facilitate the preparation of the preliminary or final plan. Generally the informal submittal should include the building footprint, general parking lot layout, location of driveways, conceptual grading, conceptual landscaping, conceptual building elevations and materials, and similar items. The direction given to an applicant during a informal site plan review is non-binding. The Township shall require a review fee for an informal site plan review.

6. Standards for Site Plan Review. In reviewing the site plan, the Planning Commission shall determine that the following standards are observed:

   A. The plan conforms to the approved preliminary site plan, when applicable, and with all Zoning Ordinance regulations;

   B. All required information has been provided

   C. That the proposed development conforms with all Township ordinances and any other applicable laws.

   D. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the Township.

   E. That the plan meets the specifications of Hartland Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.

   F. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.

   G. There is a proper relationship between thoroughfares and proposed service drives, driveways and parking areas and that vehicular and pedestrian traffic within the site as well as to and from the site is both convenient and safe. Proper access to all portions of the site and all sides of any structure is provided.

   H. The parking layout will not adversely affect the flow of traffic within the site or to or from the adjacent streets and adjacent properties.

   I. That the development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design. Natural resources will be preserved to the maximum extent possible in the site design, including the following:

      i. Soils not suited to development will be protected or altered in an acceptable manner.

      ii. Mitigation of soil erosion or sedimentation problems.

      iii. Mitigation and protection of floodways and/or flood plains on or in the vicinity of the subject property.

      iv. Adequate assurances have been received so that clearing the site of topsoil, trees and other natural features before the commencement of building operations; will occur only in those areas approved for the placement of physical improvements.

v. The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and volume of flood at other locations.

J. Landscaping, including grass, trees, shrubs and other vegetation are provided to maintain and improve the aesthetic quality of the site and area. The screening of higher intensity land uses is provided to enhance the aesthetic quality of the site and area. Adequate assurances have been received for the maintenance of all materials.

K. Sites which include storage of hazardous materials or waste, fuels, salt or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.

L. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area. Development or usage of the kind shall not in any way increase surface water runoff to adjacent property owners.

M. That the proposed development is coordinated with improvements serving the subject property and with the other development in the general vicinity.

N. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.

O. That all phased developments are ordered in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services, drainage or erosion control.

P. That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with or contrary to the objectives sought to be accomplished by this Ordinance and principles of sound planning.

7. Supplemental Site Plan Information

A. The following supplemental information shall be submitted in connection with all site plan applications for non-residential uses:

i. A scaled drawing of the interior layout, showing the total square footage of floor space, and the location and use of all rooms. If the use has multiple floors or areas with typical design, such design may be submitted along with an explanation of its general application in specified areas of the building.

ii. On the drawing, or on separate sheets that may be referenced to particular areas of the drawing, for each use there shall be description with regard to the specific services provided and/ or goods to be, stored or displayed, and specification relative to each type of services or goods as it relates to each type of services or goods:

a. The approximate percentage of the total square footage space to be used for each type of service and goods; and

b. The approximate percentage of total gross receipts anticipated to be generated with regard to each type of service and goods.

iii. A written business plan or plan of operation, which shall be in narrative form, describing all uses and business activities to be undertaken on the premises.

iv. Additional reasonable information required by the Zoning Administrator for the purpose of determining the nature of the use planned for the premises.

8. Site Plan Action.

A. For site plan applications for principal permitted uses, the Planning Commission shall study the plan and approve, approve with conditions or reject the site plan. The Planning Commission may require changes in the proposed site plan. The Planning Commission shall include in its study of the site plan consultation with the Township Zoning Administrator, the Township Fire Marshal and other government officials, departments and consultants, and public utility companies that might have an interest in or be affected by the proposed development. The Planning Commission's decision, the basis for the decision, and all conditions imposed, shall be described in a written statement, which shall be made a

part of the record of the meeting. The decision of the Planning Commission shall be final; provided, however, that if an aggrieved party submits a written request for a hearing before the Township Board within 30 days after the Planning Commission's decision, then the Township Board shall conduct a hearing within a reasonable time after such request and shall render a decision on the site plan application. The Township Board's decision shall be final, subject to appellate review by the circuit court pursuant to Const 1963, art 6, s 28.

B. For all other site plans, including those associated with special land use applications, planned development applications, general revisions to planned development applications, and condominium development applications, the Planning Commission shall study the plan and make its recommendation to approve, approve with conditions or reject the site plan, in accordance with the applicable regulations. The Planning Commission may require changes in the proposed site plan. The Planning Commission shall include in its study of the site plan consultation with the Township Zoning Administrator, the Township Fire Marshal and other government officials, departments and consultants, and public utility companies that might have an interest in or be affected by the proposed development. The Planning Commission's decision, the basis for the decision and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting.

Public hearings shall be held in accordance with Act 110 of the Public Acts of 2006, as amended. A public hearing may also be held in either of the following events:

C. When at least three members of the Planning Commission deem it necessary; or

D. When requested by the applicant seeking site plan review.

Upon receipt of a written recommendation, the Township Board shall approve, approve with conditions or deny the plan in accordance with the provisions specific to the application type. The decision of the Township Board for such applications shall be final.

9. Expiration of Site Plan Approval. Approval of the site plan is valid for three-hundred and sixty-five (365) days or one (1) calendar year of the date of Township approval of the site plan. If actual physical construction of improvements of a substantial nature as contained in the approved site plan has not commenced and proceeded meaningfully toward completion within that period and if a written request for extension of the approval has not been submitted by the applicant, the approval of the final site plan shall be deemed null and void.

The Township may grant extensions to the site plan approval where written application for an extension is filed with the Zoning Administrator prior to the site plan becoming null and void. The Township may grant an extension in compliance with the following:

A. If there have been no changes to the Zoning Ordinance that would affect the site plan, then the Zoning Administrator may grant the extension. The Zoning Administrator may grant up to two (2) calendar year extensions from the date of the original approval by the Township. The Zoning Administrator shall have the authority to take any request for an extension to the Planning Commission.

Extensions beyond those granted by the Zoning Administrator shall require Planning Commission approval. The Planning Commission may grant extensions if it finds that the approved site plan adequately represents the current condition on and surrounding the site and meets all current Ordinance requirements.

B. If there have been changes to the Zoning Ordinance that could affect the site plan, then the request for extension shall be reviewed by the Planning Commission to determine if an amended site plan must be submitted for approval to comply with the new Ordinance amendments.

C. Each extension shall be for a period of not more than three-hundred and sixty-five days or one calendar year with a maximum of four (4) extensions.

If any approved site plan has becomes null and void as set forth herein, no permits for development or use of the subject property shall be issued until all applicable requirements of this Article have been satisfied.

10. Modifications to an Approved Site Plan. Administrative review may be conducted by the Zoning Administrator for site plans that involve minor modifications. A minor modification shall constitute the following:

    A. Change to the rights-of-way and public or private easements to accommodated essential services for the proposed development or developments on adjacent properties.

    B. Change to the site plan to accommodate unforeseen natural or environmental conditions or natural or constructed features, for example, underground water or geological features, existing structures and improvements and items of historical or other significance.

    C. Change to the drive and/or approach, curb radii, sidewalk width, angle of parking stalls, use bumper blocks which further enhance vehicular and pedestrian movements and are consistent with the Engineering Design Standards for the Township.

    D. Changes to the location, species, and size of specimens or spacing of required trees, shrubs or of the type of ground cover to be used as designated on the site plan.

    E. Change to the location or size of an accessory structure as determined necessary to address

    site conditions.

    F. Change to the proposed color consistent with the hue, saturation and tone approved by the Planning Commission.

    All plans submitted for administrative review shall comply with Section 6.1, Site Plan Review. The Zoning Administrator shall have the authority to take any site plan before the Planning Commission. Any proposed modification not meeting the above criteria shall proceed to the Planning Commission for site plan review and approval.

11. Modification of Plan During Construction. All site improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any proposed modifications. If the applicant makes any changes during construction in the development in relation to the approved site plan, such changes shall be made at the applicant's risk without any assurances that the or Township will approve the changes. It shall be the responsibility of the applicant to notify the Township for investigation. The applicant may be required to correct the changes so as to conform to the approved site plan.

12. As-Built Drawings. The following requirements shall pertain to as-built drawings:

    A. The applicant shall provide as-built drawings of all sanitary sewer, water, storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Township prior to the release of any performance guarantee or part thereof covering such installation.

    B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.

    C. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of the licensed or registered (State of Michigan) professional who prepared the drawings.

    D. The following requirements shall prevail relative to the subject of as-built drawings, with the exception that developers of a mobile home park are specifically exempted from the requirement of providing as-built drawings as stated in the Michigan Mobile Home Act. This exemption applies only to the as-built drawings and not to any other portion of Section 6.1, Site Plan Review of this Ordinance.

13. Phasing of Development. The applicant may divide the proposed development into two or more phases. In such case, the site plan shall cover the entire property involved and shall clearly indicate the location, size, timing and character of each phase.

14. Inspection. The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements, such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved by appropriate agencies prior to covering. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall obtain inspection assistance from the Township Fire Marshal and/or consulting professional personnel where appropriate.
15. Performance Guarantees
    A. Performance guarantees which may take the form of irrevocable bank letters of credit, cash deposits, or other forms of security may be required by the Township. If required, the performance guarantee shall be provided after a final site plan is approved, and may cover all aspects of site improvements shown on the approved final site plan, except the principal building(s) and structure(s).
    B. The performance guarantee shall conform with the provisions of Section 6.4 of this Ordinance.

6.2 IMPACT ASSESSMENT

1. Intent. The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. The Township reserves the right to hire experienced professionals to evaluate an applicant's Impact Assessment, and if necessary, prepare additional analysis with the cost borne by the applicant.
2. Assessment Issues. Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel (in the determination of the Township) to complete the Impact Assessment, which shall address the following issues, at minimum:
    A. Qualifications of Preparer. Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
    B. Site Description. An area plan or aerial photograph illustrating the entire site and nearby properties.
    C. Description of Use. Narrative of the proposal, describing operating characteristics and standards.
    D. Overall Site Conditions. Narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, soil types, 100 year floodplains, drainage ways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and within one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity, historic and archeological significance of the site and adjacent properties.
    E. Wetlands. Documentation by a qualified wetland specialist shall be required wherever the Township determines there is a potential state or federally regulated wetland which may be impacted by the proposed project.
    F. Conceptual Site Plan. Illustration of the very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing. For Planned Developments the required PD concept plan shall meet this requirement.
    G. Land Use Impacts. Description of the types of proposed uses and other manmade facilities, including any project phasing, and an indication of how the proposed use (s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
    H. Environmental Impact. Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
    I. Impact on Public Facilities and Services. Describe the number of expected employees, visitors or residents and the

anticipated impact on police and fire protection. In particular, describe the relationship of the use to fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.

J. Utility Impacts. Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site.

K. Drainage. Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Livingston County Drain Commissioner shall be attached indicating their concerns and suggestions.

L. Storage and Handling of Waste and Hazardous Materials. Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.

M. Traffic Impacts. Impact of the proposed use on traffic and any affected public transit systems. A detailed traffic impact study shall be submitted where the proposed use

i. generates at least 50 peak hour trips per hour in the peak direction; or

ii. the required Level of Service as defined by the 1985 Highway Capacity Manual will be impacted by the proposed use.

3. Applicability of Other Standards and Ordinances. Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, State or Federal law or regulation.

6.3 CONDOMINIUM DEVELOPMENT STANDARDS

1. Intent. The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership within a zoning district. This article is not intended to prohibit or treat a proposed or existing condominium project differently than a project or development under another form of ownership.

2. Submittal Requirements. For all condominium projects within the Township, concurrently with notice required to be given to the Township pursuant to Section 71 of Michigan Public Act 59 of 1978, as amended (MCL 559.171), a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the Zoning Administrator the information required for site plan review, a copy of the proposed Master Deed and all information required by the Condominium Act.

3. Area, Height and Bulk Requirements. The areas and setbacks required for condominium buildings shall be based on the provisions contained in Section 3.1, Districts Established.

4. Review and Approval. All condominium plans shall be reviewed under the following procedure:

A. Preliminary Approval. A full site plan and impact assessment, meeting the requirements of Section 6.1, Site Plan Review, shall be submitted for preliminary condominium site plan approval by the Township Board, based upon a recommendation by the Planning Commission. The Planning Commission shall review the site plan following the procedures of Section 6.1, Site Plan Review and make a recommendation to the Township Board to approve, approve with conditions or deny. If a condominium site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan. An application for final condominium site plan must be submitted within one (1) year after the date of preliminary condominium site plan approval by the Township Board, or such preliminary approval shall be deemed null and void. The proprietor may be granted one six (6) month extension with approval from the Township Board. No installation or construction of any

improvements or land balancing or grading shall be made or begun until the final condominium site plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.

B. Agency Reviews. Upon receipt of preliminary site plan approval, the proprietor shall submit the preliminary condominium site plan to all authorities for necessary permits, as required by local and state regulations.

C. Final Approval. The Planning Commission shall review the final condominium site plan and accompanying documentation to determine if the final plan is consistent with the preliminary site plan and fully complies with Township and State of Michigan condominium development requirements. The Planning Commission shall make a recommendation to the Township Board to approve or deny the request for final approval of the condominium plan. If the information submitted for final approval is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the information for further consideration. After receipt of a recommendation from the Planning Commission, the Township Board shall review the final site plan and related documents and approve, approve with conditions or deny the request for final approval. If the required information is incomplete, the Township Board may table the request and direct the applicant to prepare additional information or revise the information for further consideration. The following information shall be submitted by the applicant:

i. Final site plan and impact assessment meeting the requirements of Section 6.1, Site Plan Review. Within a phased project, the final plan shall constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time.

ii. Necessary county and state permits.

iii. Condominium master deed and bylaws.

5. Requirements for Roads and Easements. Condominium projects with private roads shall comply with all street requirements found in the Township regulations pertaining to private roads and driveways and shall include all necessary easements granted to the Township for constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including but not limited to conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and filling ditches and trenches necessary for the location of said structures.

6. Site Condominium Design Standards. All site condominium projects shall comply with the design standards contained in the Hartland Township Subdivision Regulations Ordinance and are herein incorporated by reference. The intent of this section is to require that condominium subdivisions (site condominiums) meet design standards similar to those required for projects developed as a subdivision plat.

7. Condominium Design Standards. All condominium projects that are not being developed as site condominiums shall comply with the design standards applicable to multiple-family residential.

6.4 PERFORMANCE GUARANTEES

1. Intent and Scope of Requirements. To insure compliance with the provisions of this Ordinance and any conditions imposed there under, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, streets, acceleration/deceleration lanes, traffic control devices, storm drainage, sidewalks, exterior lighting and utilities and land reclamation activities. The performance guarantee shall not cover the principal building (s).

2. General Requirements. The performance guarantee shall meet the following requirements:

A. The performance guarantee shall be in the form of an irrevocable bank letter of credit, cash escrow, or other form acceptable to the Township.

B. The performance guarantee shall be submitted to the Township at the time of issuance of the land use permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township Treasurer shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.

C. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the_improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements to be covered by the guarantee, and such estimate shall be verified as to amount by the Township Engineer. The exact amount of the performance guarantee shall be determined by the Township Engineer. The form of the guarantee shall be approved by the Township Treasurer and Attorney.

D. The Township Board shall determine the means of releasing portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the guarantee is held shall have been completed before any release shall be made.

E. A performance guarantee shall be required for all projects for which site plan review is required, except that in the case of a minor site plan amendment the Planning Commission shall determine whether a performance guarantee is needed.

F. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall have the authority to have such work completed, including administrative costs, by appropriating funds from the deposited security.

G. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

3. Unsatisfactory Completion of Improvements. Whenever required improvements are not installed or maintained within the time stipulated in the guarantee, according to the approved plans, or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing said improvements, including administrative costs, against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

6.5 TRAFFIC IMPACT ASSESSMENT

1. Traffic Impact Assessment. in CA, RUR, RE Districts. Any proposed development otherwise permitted, that would generate in excess of seven hundred and fifty (750) trips per day shall file a Traffic Impact Assessment with the Planning Commission prior to site plan approval. The Traffic Impact Assessment shall describe the potential impact that additional traffic generated by the development will have on existing conditions, and the possible methods to be used in mitigating any potentially adverse impacts identified.

6.6 SPECIAL USES

Special Uses. The intent of this Section is to establish the process and standards whereby special uses may be granted. The types of uses requiring special approval shall be deemed to be permitted uses in their respective districts, subject, as to each specific use, to satisfaction of the procedures, requirements and standards set forth in this Ordinance. Each specific use for which a permit is sought shall be considered as an individual case and shall conform to the detailed application of the following procedures and standards in a manner appropriate to the particular circumstances of such use. Each use as listed in any district requiring special approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district and will not

be detrimental to the orderly development of adjacent districts and uses.

1. General Provisions. The formulation and enactment of this Ordinance is based upon the division of unincorporated portions of Hartland Township into districts in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses which are essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are appropriate and not essentially incompatible with the uses permitted by right in a Zoning District, but not at every or any location therein, nor without restrictions or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties. This Ordinance, therefore, requires approval of a special use permit of each use listed in the several Zoning Districts as special uses and specifies in this Section the procedures and standards to be followed in granting such permits. No special use shall commence until a special use permit is issued in accordance with this Ordinance.
2. Authority to Grant Permits. The Township Board upon written recommendation from the Planning Commission shall have the authority to grant special use permits and to attach conditions to any approved permit. Only those uses listed in each Zoning District as special uses shall be considered for special use permit review and approval.
3. Application and Fee. Application for a special use permit shall be submitted to the Zoning Administrator on a form provided by the Township. In addition to a complete application form, the applicant is required to submit a site plan, building floor plans and elevations prepared in accordance with Section 6.1, Site Plan Review and pay all associated fees.
4. Procedures. The Zoning Administrator shall review the proposed application and site plan pursuant to 6.1, Site Plan Review to determine if all required information has been supplied and forward the complete application, site plan and supporting data to the Planning Commission.

   Prior to a recommendation by the Planning Commission, a public hearing shall be held in accordance with Section 7.3, Public Hearings.
5. Required Standards and Findings. The Planning Commission shall review the particular circumstances and relevant facts concerning each proposed use in terms of the standards and required findings listed below. The Planning Commission shall find and record adequate data, information, and evidence showing that the proposed use on the lot or parcel in question meets all required standards. In addition to specific standards which may be applicable, the following standards shall serve the Planning Commission as the basis for decisions involving special land uses. Each proposed use or activity shall:

   A. Be harmonious and in accordance with the objectives, intent, and purposes of this Ordinance.

   B. Be compatible with the natural environment and existing and future land uses in the vicinity.

   C. Be compatible with the Hartland Township Comprehensive Plan.

   D. Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.

   E. Not be detrimental, hazardous, or disturbing the existing or future neighboring uses, person, property or the public welfare.

   F. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
6. Planning Commission and Township Board. The Planning Commission shall recommend approval, approval with conditions, or denial of a special use permit application. The Planning Commission's decision, the basis for the decision, and all conditions imposed, shall be described in a written statement, which shall be made a part of the record of the meeting.

   The Township Board shall then take action on the application and the decision of the Board shall be final.

   The Township Board shall establish a time limit of not less than one (1) year during which time the approved special use permit shall remain in effect. If during this time no construction has begun on the approved project, the Township Board shall upon the request of the applicant review the special use and either deny, approve with further conditions, including an extension

of time, to a specified date during which the special use shall remain valid. If no construction is started on the project during this time extension, the special use permit shall become void and if the applicant requests to continue with the special use project, it will be necessary to reapply for approval of the special use.

7. Reapplication. No application for a special use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of three-hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.

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Article 7.0
Administration, Appeals and Enforcement

Article 7.0 Administration, Appeals and Enforcement

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7.1 UNLAWFUL BUILDINGS, STRUCTURES, SITE DESIGNS AND USES

A building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part there of, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

7.2 INTENT AND GENERAL PROVISIONS.

1. Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension or where discontinuance or removal is not feasible to gradually upgrade such nonconformities to conforming status. Accordingly, the purpose of this section 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 nonconformities shall be permitted to continue. Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation. The following table summarizes but is not intended to diminish the regulatory effect of the nonconforming regulations contained in this Article:

7.2 Nonconforming Regulations	
Summary of Nonconforming Regulation	
Issue	Requirements
Period of nonuse before nonconformity must cease	Nonconforming Use of Open Land: 6 months Nonconforming Structure: 12 months
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Nonconforming single family use	May be enlarged, subject to conditions
Substitution of one nonconformity for another	Permitted under certain conditions
Nonconforming lots under same ownership	Must be combined
Expansion of nonconforming use within building	Permitted subject to conditions
Expansion of nonconforming use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted
Maintenance, structural parts	Generally permitted
Renovations, modernization	Maximum value: 50% of assessed value
Rebuilding after catastrophe	Permitted if damage is less than 50% of pre-catastrophe fair market value

2. General Requirements. The following regulations shall apply to all nonconforming uses, structures, and lots:

   A. Continuation of Nonconforming Uses and Structures. Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that, unless otherwise noted in this Article, the use shall not be enlarged, or extended to occupy a greater area of land, or moved in whole or in part to another portion of the lot. Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that, unless otherwise noted in this Article, the building and land involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

   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 building on which actual 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 carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

   C. Discontinuation of Nonconforming Uses and Uses of Structures

      i. Nonconforming Use of Structure. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and land in combination shall not thereafter be used except in conformance with the provisions of the district in which it is located.

      ii. Nonconforming Uses of Open Land. If any nonconforming use of open land ceases for any reason for a period of more than six (6) months any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

      iii. Seasonal Uses. In applying this sub-section to seasonal uses, the time during the off-season shall not be included.

   D. Condemnation and Purchase. In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the Township of Hartland, pursuant to Section 208, Public Act 110 of 2006, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

   E. Recording of Nonconforming Uses and Structures. The Zoning Administrator shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Zoning Administrator with necessary information, as requested by the Zoning Administrator, to determine legal nonconforming status may result in denial of required or requested permits.

   F. Establishment of a Conforming Use or Structure. In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

   G. Change of Tenancy or Ownership. In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

H. Exceptions and Variances. Any use for which a special exception or variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

I. Unlawful Nonconformities. No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

J. Nonconforming Single-Family Uses. Notwithstanding the limitations outlined in this article, any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. No increase in the number of dwelling units shall be permitted. Such expansion shall be subject to approval of the Zoning Board of Appeals.

K. Substitution. A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance. In making its determination that the proposed use is equally or more appropriate in the district than the existing nonconforming use, the Zoning Board of Appeals shall consider such characteristics as: traffic generation, parking required, typical hours of operation, screening requirements, utility demands, potential impact on surrounding properties in terms of noise, lights, and views, and similar features.

L. Change of Location. Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

3. Nonconforming Lots of Record. The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

A. Use of Nonconforming Lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare. All yard requirements and other non-area or width requirements shall be met.

i. Yard setback and minimum floor area requirements for dwellings on lots and parcels recorded prior to September 18, 1959.

a. Front Yard Setbacks: a minimum of 25 feet or the average of the setbacks of dwellings on the nearest lots fronting on the same side of the road and waterfront, whichever is greater.

b. Side Yard Setbacks: a minimum of 10 feet.

c. Rear yard setbacks: a minimum of 15 feet or the average of the setbacks of dwellings on the nearest lots fronting on the same side of the road, whichever is greater.

d. First Floor Footage: a minimum of 1000 square feet (for a ranch type home).

e. Lot Coverage: a maximum of thirty percent (30%).

B. Variance from Area and Bulk Requirements. If the use of a nonconforming lot requires a variance from the area or bulk requirements, other than as provided in Section 7.2.3.A, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Nonconforming Contiguous Lots Under the Same Ownership. In the event two (2) or more contiguous nonconforming lots are under single ownership and the degree of nonconformity will be reduced or eliminated by the combination of the contiguous lots, the lots shall be considered a single lot 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 with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing single family dwelling.

D. Combination of Nonconforming Lots. The Township Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this Ordinance.

4. Modification to Nonconforming Uses or Structures

A. General Provisions. No nonconforming use or structure shall be enlarged, extended, expanded or structurally altered, nor shall any accessory use, building or structure be established therewith, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Article.

B. Applicability. The following regulations shall apply to any nonconforming use or structure, including:

i. Nonconforming uses of open land.

ii. Nonconforming use of buildings designed for a conforming use.

iii. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.

iv. Buildings designed and used for a conforming use but not in conformance with area and bulk, setback, parking, loading, or landscaping requirements.

v. Nonconforming structures, such as fences and signs.

C. Enlargement, Extension, or Alteration

i. Increase in Nonconformity Prohibited. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

a. An increase in the total amount of space devoted to a nonconforming use, or

b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

ii. Permitted Extension. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.

iii. Alterations that Decrease Nonconformity. Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.

iv. Variance to Area and Bulk Requirements. If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

D. Repairs, Improvements, and Modernization

i. Required Repairs. Repairs or maintenance necessary to keep a nonconforming building structurally safe and sound are permitted. However, if a non-conforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

ii. Additional Permitted Improvements. Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

E. Damage by Fire or Other Catastrophe. Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of fifty percent (50%) of the structure's pre-catastrophe fair market value (as determined by the Township Assessor) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance for the district in which it is located. In the event that the damage is less than fifty percent (50%) of the structure's pre-catastrophe fair market value, the structure may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the Zoning Board of Appeals and in full compliance with all other applicable provisions of this Ordinance. Such restoration must be commenced within one (1) year of the date of damage and must be diligently pursued to completion. Failure to complete replacement shall result in the loss of legal, nonconforming status.

5. Pre-existing Nonconforming Extraction Operations

A. Extension. A nonconforming extraction operation may be extended subject to the following provisions:

i. Extraction may be extended within the property based upon the property lines of record at the time this Ordinance was adopted or amended, provided, however, that such extension shall not cross a public road.

ii. Any extractive operation proposed to be commenced after the effective date of adoption or amendment of this Ordinance shall subject to all applicable provisions of this section.

iii. Any extension of operation shall not exceed the depth of extraction existing at the effective date of adoption or amendment of this Ordinance, unless extraction to a greater depth is specifically approved by the Planning Commission. An increase in the depth of extraction shall not adversely affect the water table level in the vicinity, shall not result in pollution of subsurface water or otherwise imperil water supplies in the vicinity; and shall not create unstable soil conditions, health and safety hazards.

iv. Plans for the extension of operations and restoration of the site shall be filed with the Planning Commission.

B. Discontinuation. If a nonconforming extraction operation ceases for a period of two (2) or more consecutive calendar years, the extraction operation shall not be resumed and the subsequent use of the lot

shall thereafter conform to the regulations of the District in which it is located.

C. Alteration. The equipment and processes of a nonconforming extraction operation may be upgraded periodically in order to maintain the operation in a modern condition and in order to meet contemporary environmental and pollution control standards. Such changes shall be permitted, even if they will result in an increase in production, provided the following conditions are met:

i. The changes in equipment and processes shall not have the effect of changing the nature or character of the operation into a use prohibited in the District in which it is located.

ii. The noise, dust, odors, and other objectionable attributes of the operation shall not be increased beyond the levels existing at the effective date of adoption or amendment of this Ordinance.

iii. The owner of the extraction operation shall notify the Township Board in writing of each change prior to the installation of such change.

iv. Building permits for any structure shall be obtained prior to installation or construction.

6. 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 Article, the procedures found in Section 5.19.3 – Procedures for Determining Compliance shall be used to investigate, and if necessary resolve the violation.

7.3 PUBLIC HEARINGS

1. Public Hearing and Notification Requirements. A public hearing plan shall be established as permitted by this chapter and in accordance with Public Act 110 of 2006, as amended.

A. Procedures for public hearings. The Zoning Administrator shall schedule a public hearing in accordance with Act 110 of Public Acts 2006, as amended. A public hearing date shall be set and a notification published in at least one newspaper of general circulation within the Township and sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property and to all occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or lease by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure. The notice shall be given not less than 15 days before the date of the public hearing. The notice shall:

i. Describe the nature of the request.

ii. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

iii. State when and where the request will be considered.

iv. Indicate when and where written comments will be received concerning the request.

7.4 ZONING AMENDMENTS

The Township Board may amend or supplement the Zoning District boundaries or the provisions and regulations or this Ordinance. Amendments may be initiated by the Township Board, the Planning Commission, Zoning Administrator or by petition of one or more of the property owners of the property in question in Hartland Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before transmittal to the Township Board.

1. Amendment Procedure. The procedure for amending this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

   A. A petition shall be filed with the Zoning Administrator. The Zoning Administrator shall schedule a public hearing in accordance with Act 110 of the Public Acts of 2006, as amended. The notice shall be given by publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected that registers its name and mailing address with the Township Clerk for purpose of receiving notice of public hearings. The notices shall include the time and place at which the proposed text and any maps of the Zoning Ordinance may be examined. Public hearing requirements shall also apply to amendments initiated by the Township Board, the Planning Commission and by any other governmental agency or body.

      i. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Planning Commission shall publish a notice as required above and give a notice by mail or personal delivery to the owners of the property in question, to all persons to whom any real property is assessed within 300 feet of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall do all of the following:

         a. Describe the nature of the rezoning request.

         b. Indicate the property which is the subject of the rezoning request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created or listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

         c. State when and where the meeting will be held during which the rezoning request application will be considered.

         d. Indicate when and where written comments will be received.

         e. Include the time and place at which the proposed text and any maps of the Zoning Ordinance may be examined.

      ii. If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall publish a notice as required above and give notice of the proposed rezoning not less than fifteen (15) days before the date of the public hearing. The notice shall do all of the following:

         a. Describe the nature of the rezoning request.

         b. Indicate the property which is the subject of the rezoning request.

         c. State when and where the meeting will be held during which the rezoning request application will be considered.

         d. Indicate when and where written comments will be received.

         e. Include the time and place at which the proposed text and any maps of the Zoning Ordinance may be examined.

B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to an amendment and shall report its findings and recommendation to the Township Board. The Planning Commission shall consider the criteria contained in this article and the Master Plan in making its finding and recommendation. A summary of the comments submitted at the public hearing shall be transmitted with the Planning Commission's findings and recommendation.

Upon receipt of the Planning Commission's findings and recommendation, the Township Board may adopt a proposed amendment, supplement or change with or without modifications or refer same again to the Planning Commission for further study and report; provided however, that if the Township Board adopts any such amendment with any modification enlarging its scope, then such amendment shall be referred again to the Planning Commission for further public hearing, study and report on such amendment and final action thereon shall not be taken prior to the receipt of such report from the Planning Commission.

2. Information Required

A. If a petition involves an amendment to the Zoning Map, the petitioner shall submit the following information:

i. A legal description of the property, including a street address and the tax code number(s).

ii. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

iii. The name and address of the petitioner.

iv. The petitioner's interest in the property. If the petitioner is not the fee simple owner (s) or owner (s) of record, the owner (s) signed consent to the petition shall be provided.

v. Signature (s) of petitioner (s) and owner (s), certifying the accuracy of the information.

vi. Identification of the Zoning District requested and the existing zoning classification of the property.

vii. A vicinity map showing the location of the property, north arrow, and adjacent land uses and zoning classifications.

viii. Any additional information deemed appropriate by the Planning Commission.

B. If a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:

i. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.

ii. Name and address of the petitioner.

iii. Reasons for the proposed amendment.

3. Zoning Map Amendment Criteria. In considering any petition for an amendment to the Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

A. Consistency with the goals, policies and future land use map of the Hartland Township Comprehensive Plan, including any subarea or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, the consistency with recent development trends in the area.

B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted under the current zoning.

C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.

D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

E. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

G. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land in the Township currently zoned and available to accommodate the demand.

H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.

I. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.

J. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?

K. The requested rezoning will not create an isolated and unplanned spot zone.

L. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

M. Other factors deemed appropriate by the Planning Commission and Township Board.

4. Zoning Ordinance Text Amendment Criteria. The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text.

A. The proposed amendment would correct an error in the Ordinance.

B. The proposed amendment would clarify the intent of the Ordinance.

C. Documentation has been provided from Township staff or the Zoning Board of Appeals indicating problems or conflicts in implementation or interpretation of specific sections of the ordinance.

D. The proposed amendment would address changes to state legislation.

E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

F. The proposed amendment would promote compliance with changes in other Township ordinances and county, state or federal regulations.

G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Comprehensive Plan and enhance the overall quality of life in Hartland Township.

5. Effective Date and Publication. Following the Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Hartland Township. The notice of adoption shall include the following information:

A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

B. The effective date of the amendment, the date of the public hearing, the date of Township Board action, and the date of publication.

C. The place and time where a copy of the Ordinance may be purchased or inspected.

Unless a notice of intent to request a referendum is filed, a Zoning Ordinance amendment shall take effect seven (7) days after such publication

6. Referendum. Within seven (7) days after publication of a Zoning Ordinance amendment, a registered elector residing in Hartland Township may file with the Zoning Administrator a notice of intent to file a petition. Within thirty (30) days following the publication of the amendment to the Zoning Ordinance, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of Hartland Township equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected may be filed with the Office of Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of Hartland Township for their approval.

   Upon the filing of a notice of intent to request a referendum, the Zoning Ordinance amendment adopted by the Township Board shall not take effect until one (1) of the following occurs:

   A. The expiration of thirty (30) days after publication of the Ordinance amendment, if a petition is not filed within that time.

   B. If a petition is filed within thirty (30) days after publication of the Ordinance amendment, the Township Clerk determines that the petition is adequate.

   C. If a petition is filed within thirty (30) days after publication of the Ordinance amendment, the Zoning Administrator determines that the petition is adequate and the Ordinance amendment is approved by a majority of the registered electors residing in Hartland Township voting on the petition at the next regular election or at any special election called for that purpose. The Township Board shall prove the manner of submitting the Zoning Ordinance amendment to the electors for their approval or rejection and determining the result of the election.

7. Conformance to Court Decree. Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

7.5 LAND USE PERMITS

No building or structure, or part thereof, shall be hereinafter located, erected, constructed, reconstructed, altered, converted, enlarged, demolished, or moved unless a land use permit has first been issued for such work, nor shall any change be made in the use of any building or land without a land use permit having been obtained from the Zoning Administrator.

1. The applicant shall submit the following information:

   A. An approved site plan, as required. All conditions of the site plan approval shall be met prior to issuance of a Land Use Permit.

   B. A complete application for Land Use Permit.

   C. A legal description of the property, including a street address and/or parcel identification number(s).

   D. Survey or Site Plan of the property. The survey or site plan shall be sealed by a licensed surveyor or engineer and shall include the dimensions of the lot, the location and dimensions of all existing buildings and structures, the location and dimensions of all proposed structures and/or improvements to be erected, altered or moved.

   E. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.

   F. The drainage pattern and grading of the site shall be sufficient to determine that the use will not cause undue runoff onto neighboring property or overloading of water courses in the area.

   G. Such other information concerning the lot or adjoining lots as may be essential in determining whether the provisions of this Ordinance are being observed.

   H. Evidence that the lot or parcel in question is a lot of record and is legally platted or split.

2. A new land use permit shall be required when the application is modified and/or no work commences within one (1) year after the date of issuance.

7.6 FILING FEES

All applications shall be accompanied by a filing fee which shall be established by resolution of the Township Board, in accordance with f Public Act 110 of 2006, as amended. This filing fee may include a deposit toward the costs of any consultants retained by the Township for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reported services, or similar services. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, the administrative officials charged with enforcement of the Ordinance shall suspend further review of the application.

Any deposit toward the cost of any consultants shall be credited against the expense to the Township of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within thirty (30) days of final action on the applications and upon written request from the applicant.

A schedule of the current filing fees and deposit requirements shall be made available by the Zoning Administrator.

There shall be no fee in the case of an application filed in the public interest by a municipal department or Township Official.

7.7 VIOLATIONS AND PENALTIES

1. Public Nuisance. Buildings erected, altered, raised, or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.
2. Violation Defined. Any person, firm, corporation, or agent, or employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement official, shall be deemed in violation of this Ordinance.
3. Penalties. The violation of any provision of this Ordinance by any person, firm, corporation, or agent, employee, contractor, or subcontractor of same or anyone else acting on behalf of said person, firm or corporation shall be a municipal civil infraction as provided by the Hartland Township Municipal Civil Infraction Ordinance. Any person, firm, corporation, or agent, employee, contractor, subcontractor of same or anyone else is acting on behalf of said person, firm or corporation responsible for a violation of this Ordinance shall also be subject to civil proceedings for damages and/or injunctive relief by the Township. Commencement of any such civil proceedings shall not be construed or considered an election of remedies under this section; rather shall be in addition to the remedies provided by the Hartland Township Civil Infraction Ordinance or any other remedy provided by law. In addition to the foregoing the following shall also apply:
   A. The imposition of any fines, costs, damages or other sanction shall not exempt the offender from compliance with the requirements of this Ordinance.
   B. Any violation of this Ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.
   C. Each day that a violation is permitted to exist shall constitute a separate offense.

   It shall be the duty of the property owner and all persons having responsibility for the establishment and/or property that any use or construction, alteration or demolition of any structure or site is not in violation of this Ordinance. Persons having responsibility for any use or construction, alteration or demolition of any structure or site in violation of this Ordinance shall be responsible for such violations to the same extent as the property owner. The cost of prosecution shall be assessed against the violator. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
4. Reserved
5. Authority to Pursue Court Action. The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain to prevent any noncompliance with or violation of any of the provisions of this ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board is such a suit to abate the violation.

6. Other Remedies. The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceeding in an appropriate court of law to restrain or prevent any non-compliance with any provisions of this Ordinance, or to correct, remedy, or abate such noncompliance.
7. Rights and Remedies Preserved. Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or nor prevent any further prosecution of violations of this Ordinance.

7.8 RECORDS

The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

7.9 VARIANCES AND APPEALS

1. Intent. The purpose of this Section is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.
2. Creation of the Zoning Board of Appeals. There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its power as provided for in Act 110 of the Public Acts of 2006, as amended. The ZBA shall consist of five (5) members and two (2) alternate members, as follows:
   A. Planning Commission Member The first member shall be a member of the Township Planning Commission, selected by the Planning Commission and appointed by the Township Board;
   B. Remaining Members The second, third, fourth and fifth members shall be selected and appointed by the Township Board from among the electors residing in the Township. One regular member may be a member of the Township Board but shall not serve as chairperson of the Zoning Board of Appeals.
   C. Alternate Members The Township Board may appoint two (2) alternate members for three (3) year terms. The alternate members may be called on a rotating basis, or as specified in the rules of procedure of the Zoning Board of Appeals, to sit as regular members of the Zoning Board of Appeals if regular members are unable to attend one (1) or more meetings. An alternate member may also be called on to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest as allowed by State Law. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
   D. Terms of Office The Planning Commission member of the Zoning Board of Appeals shall serve for his/her term of office on the Planning Commission. All other members shall be appointed for terms of three (3) years. Terms shall be staggered so that not more than two (2) of the members terms in office shall expire in the same year.
   E. Exclusion and Removal of Members Except for the Planning Commission representative described in 2.A. above, additional members of the Township Board, the Planning Commission, or any employee of the Township Board shall not serve simultaneously as a member, or as an employee of the ZBA. Members of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
   F. Majority of Members Required for Business The ZBA shall not conduct business unless a majority of the regular members of the ZBA is present.

3. Authority of the Zoning Board of Appeals.

A. General Authority. The ZBA shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have the authority to authorize a variance as defined in this Ordinance and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance.

B. Administrative Review. The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance.

C. Interpretation. The ZBA shall have authority to hear and decide appeals or requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map and boundary interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance. Such authority shall include interpretation of whether a use is permitted in a given zone, or determination of off-street parking and loading requirements for any use not specifically listed.

D. Variances. The ZBA shall have authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (that is, height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance.

Such authority shall be exercised in accordance with the following standards:

i. The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:

a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance conformity unnecessarily burdensome.

b. The variance will do substantial justice to the applicant, as well as to other property owners.

c. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

d. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

e. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

ii. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other person may, but shall not be required to, provide information, testimony and/or evidence on a variance request.

E. Conditions The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to achieve any of the following:

i. To insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

ii. To protect the natural environment and conserve natural resources and energy

iii. To insure compatibility with adjacent uses of land

iv. To promote the use of land in a socially and economically desirable manner.

Conditions imposed shall meet the following requirements.

a. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance, be related to the standards established in the ordinance of the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case. The breach of any such conditions shall automatically invalidate the permit granted.

4. Application and Notices

A. Application. All applications to the ZBA shall be filed with the Zoning Administrator, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board. The Zoning Administrator shall transmit the application and information to each member of the Zoning Board of Appeals within five (5) days of the filing date. Applications shall Include a completed application form, fee, all plans, studies and other information and data to be relied upon by the applicant.

For a variance from the provisions of Section 5.19.A – Noise, the owner or operator of equipment on the property shall submit a statement regarding the effects of sound from the equipment on the overall sound level in the area. The statement shall include a study of the background sound levels, predicted level of sound at the boundary line due to the proposed operation, and justification for the variance, in addition to other applicable requirements.

B. Plot Plan. A plot plan shall be required with all variance requests. The plan which shall accompany all variance requests shall be based on a mortgage survey or land survey prepared by a registered land surveyor or registered engineer. The plan shall be at the scale of 1 inch to 50 ft. and shall include all property lines and dimensions; setbacks; bearings of angles correlated with the legal description and a north arrow; all existing and proposed structures and uses on the property and abutting lots and parcels, dimensions of the structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this Ordinance. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan

prepared according to Section 6.1, Site Plan Reveiw shall satisfy the requirements of this section.

The ZBA shall have the authority to require a land survey prepared by a registered land surveyor or registered engineer when the ZBA determines it to be necessary to insure accuracy of the plan.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

C. Application Involving an Appeal of Administrative Order. In a case involving an appeal from an action of an administrative official or entity, the administrative official or the clerk or secretary of the administrative entity, as the case may be, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

D. Consent of Property Owner Required. Application to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question, acknowledged by the owner(s) on the application. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

E. Notice for Variances Appeals and Interpretation. Following receipt of a written request concerning a request for a variance, the ZBA shall fix a reasonable time for the hearing of the request. A notice of the public hearing shall be published once in a newspaper of general circulation in the Township. A notice shall also be sent by first-class mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date of the public hearing. The notice shall do all of the following:

i. Describe the nature of the variance request.

ii. Indicate the property which is the subject of the variance request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created or listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

iii. State when and where the meeting will be held during which the variance request application will be considered.

iv. Indicate when and where written comments will be received.

F. Stay of Proceedings. An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property. If such certification is made, proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

G. Decision by the Zoning Board of Appeals. The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the enforcement of this ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this ordinance, or to grant a variance from the terms of this ordinance. A decision shall be made upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned.

5. Disposition and Duration of Approval

   A. ZBA Powers. The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of proceedings and decisions, with or without instructions.

   B. Decision Final. A decision by the ZBA shall not become final until the expiration of ten (10) days from the date of entry of such order and service of the same upon the parties concerned unless the ZBA shall find the immediate effect of such order is necessary for the preservation of property or personal rights or public safety and shall so certify on the record. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.

   C. Period of Validity. Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual, on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.

   D. Record of Proceedings. The Township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be the responsibility of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval. The official records of the ZBA proceedings shall be filed in the Township Hall and shall be public records.

   E. Appeal of a ZBA Decision. Appeals of a ZBA decision may be taken to Livingston County Circuit Court at the discretion of the applicant. An appeal to the Livingston County Circuit Court shall be filed within thirty (30) days after the ZBA certifies its decision in writing or approves the minutes of its decision.

   F. New Application for Variance. If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for a period of 365 days, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

6. Site Plan Requirements. If an application or appeal to the Zoning Board of Appeals involves a development project which requires a recommendation of site plan approval by the Planning Commission, the applicant or appellant shall first apply for site plan approval as set forth in Section 6.1, Site Plan Review. The Planning Commission shall review the site plan and shall determine the layout and other features required before granting a recommendation of approval of the site plan. The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Zoning Board of Appeals. The Zoning Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for Commission action on the site plan.

7.10 ADMINISTRATIVE ORGANIZATION

1. Overview. The Township Board of Trustees or its duly authorized representatives as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Township entities:

   A. Township Board of Trustees

   B. Township Planning Commission

   C. Zoning Board of Appeals

   D. Zoning Administrator and Other Enforcement Officials

   The purpose of this part of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

2. Township Board of Trustees. The Township Board of Trustees shall have the following responsibilities and authority pursuant to this Ordinance. The decision of the Township Board in these matters shall be final.

   A. Adoption of Zoning Ordinance and Amendments. In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.

   B. Review and Approval of Plans.

      i. Township Board review and approval shall be required for all Condominium Developments, pursuant to Section 6.3.

      ii. Township Board review and approval shall be required in accordance with Section 6.6, Special Uses.

      iii. Township Board review and approval shall be required for all Planned Development projects, in accordance with Section 3.1.18.

   C. Setting of Fees. In accordance with Section 7.7 of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

   D. Approval of Planning Commission Members. In accordance with Michigan Public Act 168 of 1959, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.

3. Township Planning Commission. The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

   A. Creation. The Township Planning Commission is created pursuant to Michigan Public Act 168 of 1959, as amended, the Township Planning Act, and Township Ordinance 15. In accordance with Section 11 of Act 168, the Planning Commission shall have all the powers and duties provided for zoning boards created pursuant to Michigan Public Act 110 of 2006, as amended.

   B. Membership and Operation. Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Act 168 of 1959, as amended.

      In accordance with Section 5 of Act 168, the Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

   C. Jurisdiction. The Planning Commission shall discharge the following duties pursuant to this Ordinance:

      i. Formulation of Zoning Ordinance and Amendments. 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 the Township Board of Trustees.

ii. Site Plan Review. Planning Commission review and approval shall be required for all Principal Permitted Use Site Plan applications, pursuant to Section 6.1. The decision of the Planning Commission in such matters shall be final.

iii. Special Use Review. The Planning Commission shall be responsible for holding hearings and review of all applications in accordance with Section 6.6, Special Uses and making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of approval.

iv. Planned Development Review. The Planning Commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Section 3.1.18. The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Development proposal.

v. Formulation of a Basic Plan. The Planning Commission shall be responsible for formulation and adoption of a basic plan (ie., the Hartland Township Comprehensive Plan) as a guide for the development of the Township, in accordance with Michigan Public Act 168 of 1959, as amended.

vi. Review of Matters Referred by the Township Board. The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.

vii. Report on Operation of the Zoning Ordinance. In accordance with Section 308 (2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall at least once per year prepare for the Township Board of Trustees a report on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

4. Zoning Board of Appeals. The Township Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act.

A. Membership and Operation. The ZBA shall consist of five (5) members who shall be appointed in accordance with Section 601 of Michigan Public Act 110 of 2006, as amended, as follows:

i. The first member shall be a member of the Planning Commission.

ii. The remaining members shall be selected from the electors of the Township residing in the unincorporated area of the township, and shall be representative of the population distribution and of the various interests present in the Township.

iii. Of the remaining members, one may be a member of the Township Board but may not serve as chairperson of the Zoning Board of Appeals. No employee or contractor of the Township may be a member or employee of the ZBA. No elected officer of the Township may serve as chairperson of the ZBA.

iv. The term of office of each member shall be for three (3) years, except for members serving because of their membership of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. Terms shall be staggered so that not more than two (2) of the members terms in

office shall expire in the same year. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

v. The Township Board may appoint not more than two (2) alternate members for three (3) year terms. The alternate members may be called on a rotating basis, or as specified in the rules of procedure of the Zoning Board of Appeals, to sit as regular members of the Zoning Board of Appeals if regular members are unable to attend one (1) or more meetings. An alternate member may also be called on to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest as allowed by State Law. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

vi. Members of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

vii. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Act 110. The ZBA shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.

B. Meetings. Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairman, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk. Meetings shall be open to the public and shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses.

C. Rules of Procedure. The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings properly, including the scheduling of hearings. The Zoning Board of Appeals shall adopt as part of its rules of procedure a checklist for evaluating applications requesting zoning variances, including those for practical difficulties and unnecessary hardships.

D. Records. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with votes of the members and the final disposition of each case. The grounds of every determination shall be stated and such determination shall supersede any order or determination from which the appeal is taken. Such minutes shall be filed in the office of the Township Clerk and shall be public record. A copy of the decision shall also be sent promptly to the applicant or appellant, the Zoning Administrator, Township Clerk and Planning Commission.

E. Secretary and Counsel. The Township Clerk shall be responsible for acting as secretary, or of providing secretarial services for the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at meetings upon request by the Board.

F. Duties of Zoning Administrator. The Zoning Administrator shall transmit to the Board, the Planning Commission and Township Attorney copies of all documents constituting the record or provision of the Zoning Ordinance upon which the appeal is based.

G. Jurisdiction. The ZBA shall have the authority outlined in Section 7.4.

5. Zoning Administrator and Other Enforcement Officials

   A. Overview. As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Zoning Administrator and other Township administrative officials, or their duly authorized assistants or representatives. In carrying out their designated duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance.

   B. Responsibilities of the Zoning Administrator. In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator or his/her duly authorized assistants shall have the following responsibilities:

      i. Provide citizens and public officials with information relative to this Ordinance and related matters.

      ii. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.

      iii. Review and investigate land use permit applications to determine compliance with the provisions of the Zoning Ordinance.

      iv. Issue Land Use, and other appropriate permits when all provisions of this Ordinance and other applicable ordinances have been complied with.

      v. Perform inspections of buildings, structures, and premises to insure proposed land use changes or improvements are and will remain in compliance with this Ordinance.

      vi. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.

6. Protection from Personal Liability. The Township Board of Trustee members, Planning Commission members, Zoning Board of Appeals members, Zoning Administrator and any other Township Official or employee charged with administrative and enforcement duties and responsibilities under provisions of this Zoning Ordinance are hereby protected from all personal liability for damages to persons or property resulting from the carrying out of their duties and responsibilities. In accordance with Public Act 55 of 1970 (MCL 69.1408) any civil or criminal charges brought against any of the aforementioned Township officials and employees in the conduct of their duties and responsibilities shall be defended by a legal representative of the Township until final adjudication of the charges has been concluded and decided upon.

   If a judgment for damages is awarded against any of the aforementioned Township Officials and employees as a result of a civil or criminal charge for personal injuries or property damages, caused while carrying out their duties and responsibilities under the provisions of this Zoning Ordinance, the Township shall pay, negotiate or do whatever is necessary to arrive at a settlement in order to abate the charges and satisfy the judgment.

7.11 ADOPTION

7.11 Adoption. The foregoing is a true copy of Ordinance 76, the Hartland Township Zoning Ordinance, as adopted by the Hartland Township Board on December 4, 2012. Pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the following statutory requirements were met:

1. A public hearing was held before the Hartland Township Planning Commission on October 11, 2012, noticed in accordance with MCL 125.3103;
2. The Planning Commission approved a motion to recommend adoption following the public hearing on October 11, 2012;
3. The Livingston County Planning Commission approved a motion to recommend adoption at their regular meeting on November 21, 2012;
4. The Hartland Township Board approved a Resolution of Adoption at their regular meeting on December 4, 2012;
5. A Notice of Adoption was published in the Livingston County Press & Argus newspaper on December 7, 2012;
6. No notice of intent to file a petition was filed with the Township Clerk was filed in accordance with MCL 125.3402;

Ordinance 76, the Hartland Township Zoning Ordinance, is hereby effective December 14, 2012, seven (7) days following publication of the Notice of Adoption.