

# ONEIDA TOWNSHIP ZONING ORDINANCE

October 2004



## TABLE OF CONTENTS

<b>CHAPTER 1</b> .....	<b>1-1</b>
<b>Title and Purpose</b> .....	<b>1-1</b>
SECTION 1.01    SHORT TITLE.....	1-1
SECTION 1.02    PURPOSE .....	1-1
SECTION 1.03    THE EFFECT OF ZONING .....	1-1
 <b>CHAPTER 2</b> .....	 <b>2-1</b>
<b>Definitions</b> .....	<b>2-1</b>
SECTION 2.01    RULES APPLYING TO TEXT.....	2-1
SECTION 2.02    DEFINITIONS - A.....	2-2
SECTION 2.03    DEFINITIONS - B.....	2-3
SECTION 2.04    DEFINITIONS - C .....	2-4
SECTION 2.05    DEFINITIONS - D .....	2-5
SECTION 2.06    DEFINITIONS - E.....	2-6
SECTION 2.07    DEFINITIONS - F.....	2-7
SECTION 2.08    DEFINITIONS - G .....	2-8
SECTION 2.09    DEFINITIONS - H .....	2-9
SECTION 2.10    DEFINITIONS - I.....	2-10
SECTION 2.11    DEFINITIONS - J .....	2-10
SECTION 2.12    DEFINITIONS - K.....	2-10
SECTION 2.13    DEFINITIONS - L .....	2-10
SECTION 2.14    DEFINITIONS - M.....	2-12
SECTION 2.15    DEFINITIONS - N .....	2-13
SECTION 2.16    DEFINITIONS - O .....	2-14
SECTION 2.17    DEFINITIONS - P.....	2-14
SECTION 2.18    DEFINITIONS - R .....	2-16
SECTION 2.19    DEFINITIONS - S.....	2-16
SECTION 2.20    DEFINITIONS - T.....	2-18
SECTION 2.21    DEFINITIONS - U .....	2-19
SECTION 2.22    DEFINITIONS - V.....	2-20
SECTION 2.23    DEFINITIONS - W.....	2-21
SECTION 2.24    DEFINITIONS - Y.....	2-22
SECTION 2.25    DEFINITIONS - Z.....	2-22
 <b>CHAPTER 3</b> .....	 <b>3-1</b>
<b>General Provisions</b> .....	<b>3-1</b>
SECTION 3.01    REQUIRED AREA, SPACE, AND USE CONDITIONS AND EXCEPTIONS.....	3-1
SECTION 3.02    HEIGHT EXCEPTIONS .....	3-1
SECTION 3.03    PRINCIPAL USE.....	3-1
SECTION 3.04    STREET ACCESS.....	3-1
SECTION 3.05    BASIS OF DETERMINING FRONT YARD REQUIREMENTS.....	3-2
SECTION 3.06    MINIMUM LOT WIDTH FOR IRREGULAR SHAPED LOTS .....	3-2
SECTION 3.07    PROJECTIONS INTO YARDS .....	3-2
SECTION 3.08    ACCESSORY BUILDING AND USES .....	3-3
SECTION 3.09    REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS.....	3-4

SECTION 3.10	TEMPORARY USES OR BUILDINGS REQUIRING ZONING ADMINISTRATOR AUTHORIZATION .....	3-5
SECTION 3.11	FENCES .....	3-6
SECTION 3.12	GREENBELTS AND LANDSCAPING .....	3-7
SECTION 3.13	INSTALLATION OF LANDSCAPING .....	3-7
SECTION 3.14	CLEAR VISION AREAS.....	3-7
SECTION 3.15	ESSENTIAL SERVICES.....	3-7
SECTION 3.16	ILLEGAL DWELLINGS .....	3-8
SECTION 3.17	EXCAVATIONS, HOLES, OR PONDS .....	3-8
SECTION 3.18	OUTDOOR STORAGE OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS .....	3-8
SECTION 3.19	SATELLITE DISH ANTENNAS.....	3-8
SECTION 3.20	EXTERIOR LIGHTING.....	3-10
SECTION 3.21	HOME OCCUPATIONS.....	3-10
SECTION 3.22	SEASONAL USES.....	3-11
SECTION 3.23	NON-CONFORMING BUILDINGS, STRUCTURES, AND USES.....	3-11
SECTION 3.24	DEMOLITION PERMITS.....	3-14
SECTION 3.25	MAXIMUM WIDTH TO DEPTH RATIO.....	3-15
SECTION 3.26	SITE CONDOMINIUMS .....	3-15
SECTION 3.27	KEEPING OF ANIMALS .....	3-15
SECTION 3.28	SWIMMING POOLS .....	3-16
<b>CHAPTER 4.....</b>	<b>4-1</b>	
<b>A-1 – Agricultural District .....</b>	<b>4-1</b>	
SECTION 4.01	PURPOSE .....	4-1
SECTION 4.02	PERMITTED USES .....	4-1
SECTION 4.03	SPECIAL LAND USES .....	4-1
<b>CHAPTER 5.....</b>	<b>5-1</b>	
<b>R-1A – Low Density Residential District.....</b>	<b>5-1</b>	
SECTION 5.01	PURPOSE .....	5-1
SECTION 5.02	PERMITTED USES .....	5-1
SECTION 5.03	SPECIAL LAND USES .....	5-1
SECTION 5.04	DISTRICT REGULATIONS.....	5-2
<b>CHAPTER 6.....</b>	<b>6-1</b>	
<b>R-2A – Medium Density Residential District.....</b>	<b>6-1</b>	
SECTION 6.01	PURPOSE .....	6-1
SECTION 6.02	PERMITTED USES .....	6-1
SECTION 6.03	SPECIAL LAND USES .....	6-1
SECTION 6.04	DISTRICT REGULATIONS.....	6-2
<b>CHAPTER 7.....</b>	<b>7-1</b>	
<b>R-1B – Medium Density One and Two Family Residential District.....</b>	<b>7-1</b>	
<b>CHAPTER 8.....</b>	<b>8-1</b>	
<b>R-M1 – High Density Residential District.....</b>	<b>8-1</b>	
SECTION 8.01	PURPOSE .....	8-1

SECTION 8.02	PERMITTED USES .....	8-1
SECTION 8.03	SPECIAL LAND USES .....	8-1
SECTION 8.04	DISTRICT REGULATIONS.....	8-2
<b>CHAPTER 9.....</b>		<b>9-1</b>
<b>R-4 – Manufactured Home Park District.....</b>		<b>9-1</b>
SECTION 9.01	PURPOSE .....	9-1
SECTION 9.02	PERMITTED USES .....	9-1
SECTION 9.03	REGULATIONS .....	9-1
SECTION 9.04	INSTALLATION AND OCCUPATION OF MANUFACTURED HOMES.....	9-1
SECTION 9.05	APPLICATION PROCEDURES.....	9-2
SECTION 9.06	STANDARDS AND REGULATIONS .....	9-2
SECTION 9.07	UTILITY STANDARDS .....	9-4
SECTION 9.08	MANUFACTURED HOME STANDARDS.....	9-5
SECTION 9.09	MANUFACTURED HOME SALES .....	9-5
<b>CHAPTER 10.....</b>		<b>10-1</b>
<b>B-1 – Local Business District .....</b>		<b>10-1</b>
SECTION 10.01	PURPOSE .....	10-1
SECTION 10.02	PERMITTED USES .....	10-1
SECTION 10.03	SPECIAL LAND USES .....	10-1
SECTION 10.04	DISTRICT REGULATIONS.....	10-2
<b>CHAPTER 11.....</b>		<b>11-1</b>
<b>B-2 – General Business District .....</b>		<b>11-1</b>
SECTION 11.01	PURPOSE .....	11-1
SECTION 11.02	PERMITTED USES .....	11-1
SECTION 11.03	SPECIAL LAND USES .....	11-1
SECTION 11.04	DISTRICT REGULATIONS.....	11-2
<b>CHAPTER 12.....</b>		<b>12-1</b>
<b>M1 – Light Industrial District .....</b>		<b>12-1</b>
SECTION 12.01	PURPOSE .....	12-1
SECTION 12.02	PERMITTED USES .....	12-1
SECTION 12.03	SPECIAL LAND USES .....	12-2
SECTION 12.04	DISTRICT REGULATIONS.....	12-3
<b>CHAPTER 13.....</b>		<b>13-1</b>
<b>F-1 – Floodplain Overlay District.....</b>		<b>13-1</b>
SECTION 13.01	INTENT AND PURPOSE.....	13-1
SECTION 13.02	FLOODPLAIN AREAS .....	13-1
SECTION 13.03	PERMITTED USES .....	13-1
SECTION 13.04	SPECIAL LAND USES .....	13-1
<b>CHAPTER 14.....</b>		<b>14-1</b>
<b>Wellhead Protection Overlay Zone.....</b>		<b>14-1</b>
SECTION 14.01	PURPOSE .....	14-1

SECTION 14.02 PERMITTED USES AND PROHIBITED USES .....	14-1
SECTION 14.03 GENERAL PROVISIONS .....	14-2
SECTION 14.04 SITE PLAN REVIEW REQUIREMENTS .....	14-5
SECTION 14.05 EXEMPTIONS AND WAIVERS .....	14-6
<b>CHAPTER 15.....</b>	<b>15-1</b>
<b>Special Land Uses.....</b>	<b>15-1</b>
SECTION 15.01 SCOPE .....	15-1
SECTION 15.02 APPLICATION AND REVIEW PROCEDURES .....	15-1
SECTION 15.03 GENERAL STANDARDS.....	15-3
SECTION 15.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS .....	15-4
<b>CHAPTER 16.....</b>	<b>16-1</b>
<b>Site Plan Review.....</b>	<b>16-1</b>
SECTION 16.01 PURPOSE .....	16-1
SECTION 16.02 SITE PLANS REVIEWED .....	16-1
SECTION 16.03 SITE PLAN REVIEW REQUIREMENTS .....	16-1
SECTION 16.04 APPLICATION AND REVIEW .....	16-5
SECTION 16.05 PLAT REQUIREMENTS .....	16-6
SECTION 16.06 ADMINISTRATIVE AND ESCROW FEES.....	16-6
SECTION 16.07 CHANGES IN THE APPROVED SITE PLAN .....	16-6
SECTION 16.08 REVIEW STANDARDS.....	16-7
SECTION 16.09 SITE PLAN APPROVALS.....	16-9
SECTION 16.10 APPEAL.....	16-9
<b>CHAPTER 17.....</b>	<b>17-1</b>
<b>Parking Requirements .....</b>	<b>17-1</b>
SECTION 17.01 SCOPE .....	17-1
SECTION 17.02 LOCATION OF PARKING .....	17-1
SECTION 17.03 PARKING LOT REQUIREMENTS .....	17-1
SECTION 17.04 PARKING LOT PLANS.....	17-2
SECTION 17.05 PARKING RESTRICTIONS .....	17-3
SECTION 17.06 OFF-STREET PARKING REQUIREMENTS .....	17-3
<b>CHAPTER 18.....</b>	<b>18-1</b>
<b>Zoning Board of Appeals.....</b>	<b>18-1</b>
SECTION 18.01 AUTHORIZATION.....	18-1
SECTION 18.02 MEMBERSHIP - TERMS OF OFFICE .....	18-1
SECTION 18.03 PROCEDURAL MATTERS AND VOTE REQUIREMENTS.....	18-1
SECTION 18.04 DUTIES AND POWERS .....	18-1
SECTION 18.05 MEETINGS .....	18-2
SECTION 18.06 PROCEDURES.....	18-2
SECTION 18.07 REVIEW STANDARDS FOR VARIANCES .....	18-4
<b>CHAPTER 19.....</b>	<b>19-1</b>
<b>Administration and Enforcement .....</b>	<b>19-1</b>
SECTION 19.01 REPEAL OF PRIOR ORDINANCE .....	19-1
SECTION 19.02 ZONE DISTRICTS .....	19-1

---

SECTION 19.03	ZONING MAP .....	19-1
SECTION 19.04	AREAS NOT INCLUDED WITHIN A DISTRICT .....	19-2
SECTION 19.05	INTERPRETATION.....	19-2
SECTION 19.06	REMEDIES AND ENFORCEMENT .....	19-3
SECTION 19.07	PUBLIC NUISANCE, PER SE .....	19-3
SECTION 19.08	PERFORMANCE GUARANTEES .....	19-3
SECTION 19.09	FEES.....	19-4
SECTION 19.10	STOP WORK ORDERS.....	19-5
SECTION 19.11	PROPERTY SURVEYS .....	19-5
SECTION 19.12	RIGHTS AND REMEDIES .....	19-5
SECTION 19.13	SEVERABILITY .....	19-5
SECTION 19.14	GENERAL RESPONSIBILITY .....	19-5
SECTION 19.15	ENACTMENT.....	19-6

---

## CHAPTER 1 Title and Purpose

### SECTION 1.01      SHORT TITLE

This Ordinance shall be known as the "Oneida Township Zoning Ordinance."

### SECTION 1.02      PURPOSE

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

- A. Encourage the use of lands, waters, wetlands and other natural resources in the Township in accordance with their character and most suitable use.
- B. Limit the improper use of land and resources.
- C. Provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued.
- D. Reduce hazards to life and property.
- E. Provide for orderly development within the Township.
- F. Avoid overcrowding of the population.
- G. Provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered.
- H. Lessen congestion on the public roads and streets.
- I. Protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses.
- J. Facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements.
- K. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.
- L. Further any other purpose permitted by the TZA.

### SECTION 1.03      THE EFFECT OF ZONING

- A. For the purpose of this Ordinance, except as hereafter specifically provided in Chapter 3, Section 3.23, Nonconforming Buildings, Structures, and Uses, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended,



enlarged or altered, except in conformity with the regulations for the Zoning District in which it is located; these limitations being the minimum legislation necessary to promote and protect the general safety and welfare of the Township.

- B. Except as provided in Chapter 3, Section 3.23, Nonconforming Buildings, Structures, and Uses, any land, building, structure, or part thereof is used, erected, altered or occupied contrary to Law or to the provisions of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.
- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.

## CHAPTER 2

### Definitions

#### SECTION 2.01 RULES APPLYING TO TEXT

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

holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

## **SECTION 2.02      DEFINITIONS - A**

### **ACCESSORY BUILDING**

A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an otherwise accessory building is attached to a main building in a substantial manner, such as a wall or roof, the building shall be considered a part of the main building; and is not an accessory building.

### **ACCESSORY USE**

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

### **AGGRIEVED PERSON**

Any person, firm, partnership, corporation, or association with an interest in real property which will suffer "special damages: as a result of the decision in question. Special damages shall be defined as a particular injury to a land owner's beneficial use or enjoyment of his own land, which injury is not shared in common with other members of the general public.

### **AGRICULTURAL LAND**

Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; trees for the production of fruit or wood products; and other similar uses and activities.

### **ALTERATIONS**

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

### **AQUIFER**

A geologic formation, group of formations or part of formation capable of storing and yielding a significant amount of groundwater to wells or springs.

### **ARCHITECTURAL FEATURES**

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

---

**AVERAGE GRADE**

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

**SECTION 2.03        DEFINITIONS - B****BANK** (as related to natural features)

The rising ground bordering a watercourse, lake or reservoir.

**BASEMENT OR CELLAR**

A portion of a building having more than one-half ( $\frac{1}{2}$ ) of its height below grade.

**BED AND BREAKFAST ESTABLISHMENT**

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

**BEST MANAGEMENT PRACTICES**

Measures, either managerial or structural, to prevent or reduce pollution inputs to soil, surface water or groundwater.

**BOARD**

As used in this Ordinance, "Board" means the Oneida Charter Township Board.

**BUILDABLE AREA**

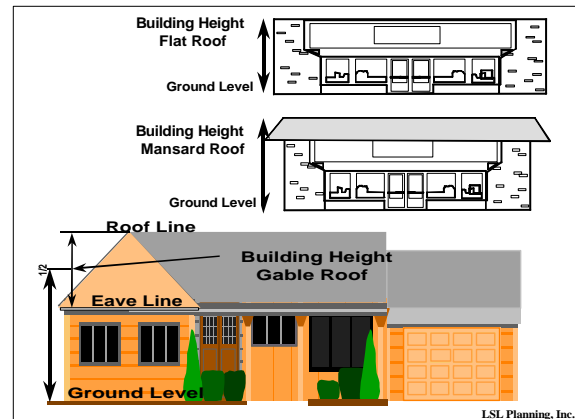
The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

**BUILDING**

An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**BUILDING HEIGHT**

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

**BUILDING, MAIN**

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

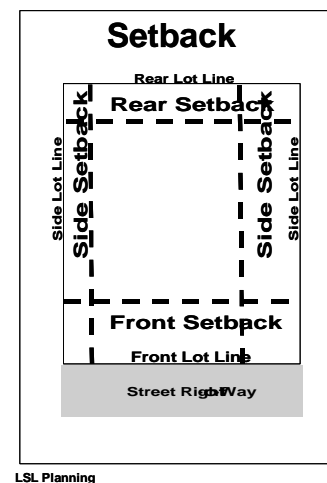
**BUILDING PERMIT**

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

**BUILDING SETBACK LINES**

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

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

**SECTION 2.04 DEFINITIONS - C****CLINIC**

A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

**COMMERCIAL**

This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service

offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) twelve (12) month period.

#### COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES

Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

#### COMMISSION, PLANNING

As used in this Ordinance, this term means the Oneida Township Planning Commission.

#### CONSERVATION EASEMENT

That term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

### **SECTION 2.05        DEFINITIONS - D**

#### DAY CARE FACILITY

##### A.     FAMILY DAY CARE HOME

A private home in which at least one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

##### B.     GROUP DAY CARE HOME

A private home in which more than six (6), but not more than twelve (12), minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

##### C.     COMMERCIAL DAY CARE

A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

---

**DEVELOPMENT**

The construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

**DISTRICT, ZONING or DISTRICT**

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

**DRIVE-IN ESTABLISHMENT**

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including automobile service stations.

**DWELLING, OR DWELLING UNIT**

A dwelling unit is any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

**DWELLING, MULTIPLE FAMILY**

A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking and housekeeping.

**DWELLING, TWO-FAMILY**

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking and housekeeping. Also termed as a duplex.

**DWELLING, SINGLE FAMILY (DETACHED)**

A detached building used or designed for use exclusively by one (1) family.

**SECTION 2.06 DEFINITIONS - E****ENVIRONMENTAL CONTAMINATION**

The presence or release of a hazardous substance or other substance, in a quantity, which is or may become injurious to the environment, or to the public health, safety, or welfare.

**ERECTED**

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

**ESSENTIAL SERVICES**

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

**EXCAVATING**

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

**SECTION 2.07        DEFINITIONS - F****FACILITY**

Any building, structure, installation or property from which there may be a discharge of hazardous substances.

**FAIRGROUND**

An open space where fairs are held.

**FAMILY**

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.



**FARM**

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

**FENCE**

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

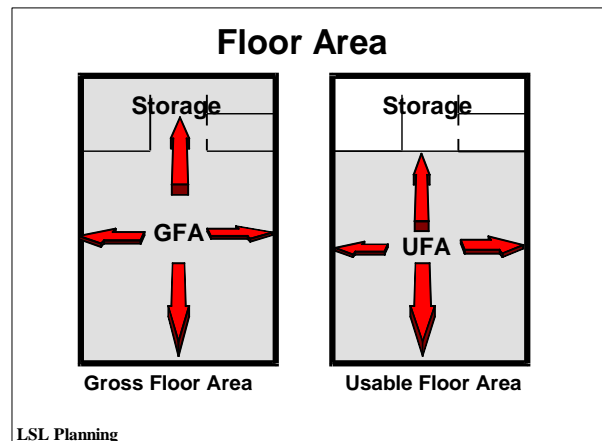
**FLOOR AREA, GROSS (GFA)**

The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above finish lot grade. (See Basement.)

Gross floor area shall not include attic space having headroom of seven and one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

**FLOOR AREA, USABLE (UFA)**

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



FRONTAGE (See Lot Width)

**SECTION 2.08      DEFINITIONS - G****GARAGE**

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of commercial vehicles not exceeding a rated capacity of one (1) ton.

---

**GREENHOUSE**

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GUN CLUB**

An association of people with an interest in guns and their use as a sport or recreational activity with a designated location in a community established for their use.

**SECTION 2.09        DEFINITIONS - H****HAZARDOUS SUBSTANCE**

A chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, any of the following:

- A. Hazardous Substances as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96.510, 94 State. 2767.
- B. Hazardous Waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- C. Regulated Substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- D. Hazardous Substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
- E. Used oil.
- F. Animal waste or byproducts, or carcasses.

**HOME OCCUPATION**

An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

**HOSPITAL**

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

---

**HOTEL**

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

**SECTION 2.10        DEFINITIONS - I****INOPERATIVE VEHICLES**

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

**INTENSIVE LIVESTOCK OPERATIONS**

A concentrated livestock or poultry breeding, raising, holding, boarding or feeding operation or business which falls under the regulation of the Michigan Right to Farm Act (PA 93 of 1981) and Michigan's Generally Accepted Agricultural and Management Practices.

**SECTION 2.11        DEFINITIONS - J****JUNK**

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

**JUNK YARD**

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

**SECTION 2.12        DEFINITIONS - K****KENNEL**

Any lot or premises on which four (4) or more animals, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

**SECTION 2.13        DEFINITIONS - L****LOADING SPACE**

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

**LOT**

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

**LOT AREA**

The total horizontal area within the lot lines of a lot, excluding road rights-of-way.

**LOT, CORNER**

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) cords of which form an angle of one hundred thirty-five (135) degrees or less.

**LOT COVERAGE**

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

**LOT DEPTH**

The mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a through lot.

**LOT, DOUBLE FRONTAGE (THROUGH)**

A lot other than a corner lot having frontage on two (2) more or less parallel streets.

**LOT, INTERIOR**

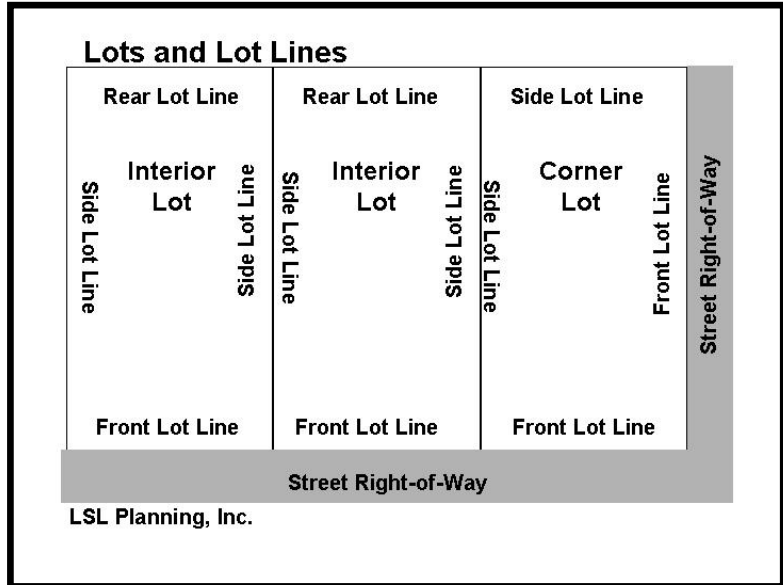
A lot other than a corner lot with only one (1) lot line fronting on a street.

**LOT LINES**

The property lines or other described lines bounding the lot.

- A. Front Lot Line. In the case of an interior lot, abutting upon one (1) public street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner lot, abutting upon two (2) public streets, there shall be two (2) front lot lines, each described as above.

B. Rear Lot Line. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the real lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.



C. Side Lot Line. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

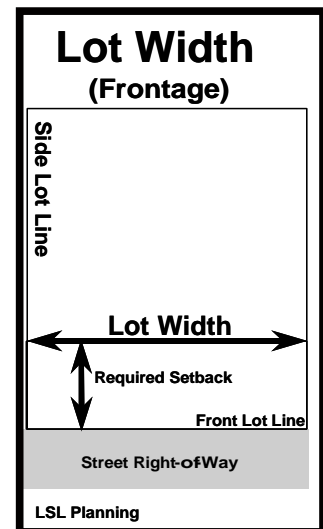
D. Street Lot Line. A lot line separating the lot from the right-of-way of a street or an alley.

**LOT OF RECORD**

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

**LOT WIDTH (Frontage)**

The horizontal distance between the side lot lines, as measured at the front yard setback line.



**SECTION 2.14 DEFINITIONS - M**

**MANUFACTURED HOME**

A residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected. The term includes the terms “mobile home” or “modular home.”

**MANUFACTURED HOME PARK**

A parcel or tract of land under the control of a person upon which two (2) or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for

that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

#### MANUFACTURED HOME SPACE

A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

#### MASTER PLAN

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

#### MOTEL

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

#### MOTOR HOME

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

### **SECTION 2.15        DEFINITIONS - N**

#### NON-CONFORMING BUILDING

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

#### NON-CONFORMING LOT

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

#### NON-CONFORMING USE

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

---

**NONRESIDENTIAL DISTRICT**

The B-1 Local Business, B-2 General Business, or M1 - Light Industrial Zoning Districts.

**NURSERY**

Land or greenhouses used to raise flowers, shrubs and plants for sale.

**NURSING HOME**

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

**SECTION 2.16 DEFINITIONS - O****OPEN AIR BUSINESS**

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

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

**ORDINARY HIGH WATER MARK**

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

**SECTION 2.17 DEFINITIONS - P****PARKING LOT**

A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

---

**PARKING SPACE**

An off-street space of at least one hundred eighty (180) square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

**PERSONAL SERVICE ESTABLISHMENTS**

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

**PLANNED UNIT DEVELOPMENT**

A development of land that is planned and developed as a whole in a single development operation or programmed series of development stages, which may include a development that includes cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this Zoning Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**PORCH, ENCLOSED**

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

**PORCH, OPEN**

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

**PRIMARY CONTAINMENT FACILITY**

A tank, pit, container, pipe, or vessel of first containment of a hazardous substance.

**PRINCIPAL USE (See Use, Principal)****PUBLIC UTILITY**

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.



**SECTION 2.18 DEFINITIONS - R****RECREATION VEHICLE OR EQUIPMENT**

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

**RESIDENTIAL DISTRICT**

Residential District shall refer to the A-1 Agricultural, R1-A Low Density Residential, R2-A Medium Density Residential, R1-B Medium Density One and Two Family Residential, RM-1 High Density Residential, and R-4 Manufactured Home Park Zoning Districts, as described in this Ordinance.

**RIDING STABLE**

- A. Private STABLE - A building where horses are kept for the personal enjoyment of the property owner without remuneration.
- B. Public STABLE - A building where horses for hire, sale, or boarding are kept, for remuneration.

**ROADSIDE STAND**

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

**SECTION 2.19 DEFINITIONS - S****SALVAGE YARD**

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

**SATELLITE DISH ANTENNA, OR DISH ANTENNA**

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

**SECONDARY CONTAINMENT FACILITY**

A second tank, catchment pit, or vessel that limits and contains liquid or hazardous substance leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent future environmental contamination of land, ground water or surface water.

**SETBACK; SETBACK AREA**

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

**SHORELINE**

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

**SIGNIFICANT NATURAL FEATURE**

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

**STATE LICENSED RESIDENTIAL FACILITY**

A state licensed residential facility means a structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, being sections 331.681 to 331.694 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973, as amended, being section 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of that supervision or care.”

**STATE LICENSED RESIDENTIAL GROUP FACILITY**

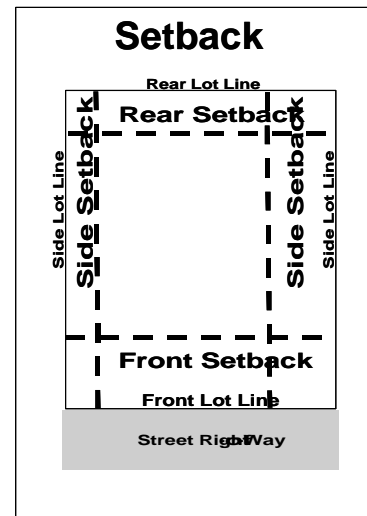
A State Licensed Residential Group Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

**STORY**

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

**STORY, HALF**

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half ( $\frac{1}{2}$ ) the floor area of said full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven and one-half ( $7\frac{1}{2}$ ) feet, at its highest point.



LSL Planning

**STREET, PUBLIC**

A public thoroughfare including any rights-of-way and travelled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

**STRUCTURE**

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

**SUBSTANTIAL IMPROVEMENT**

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

**SECTION 2.20        DEFINITIONS - T****TEMPORARY BUILDING OR USE**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

**TOWNSHIP**

As used in this Ordinance, "Township" means the Oneida Charter Township Board.

**TOWNSHIP ZONING ACT, or TZA**

The Township Zoning Act; Act 184 of the Public Acts of Michigan of 1943, as amended; now MCL 125.271 et seq.

**TRAVEL TRAILER**

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

**SECTION 2.21 DEFINITIONS - U****UNDERGROUND STORAGE TANK SYSTEM**

A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

**UNDEVELOPED STATE**

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

**USED OIL**

Any oil which had been refined from crude oil, used, and as a result of such use contaminated by physical or chemical impurities.

**USES, ADULT**

The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

**A. Adult Book Store**

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

**B. Adult Cabaret**

An establishment including, but not limited to, a cafe, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.

**C. Adult Motion Picture Theater**

An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

**D. Massage Establishment**

Any establishment having a fixed place of business where massages are administered by pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A *Massage* is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

**E. Nude Artist and Photography Studio**

Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

**F. Specified Anatomical Areas**

Less than completely and opaquely covered:

1. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**G. Specified Sexual Activities**

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**USE, PRINCIPAL**

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

**SECTION 2.22 DEFINITIONS - V****VEHICLE REPAIR**

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

**VEHICLE SERVICE STATION**

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

**VEHICLE WASH ESTABLISHMENT**

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

**VETERINARY HOSPITAL**

Branch of medicine dealing with the prevention and treatment of diseases and injuries in animals.

**SECTION 2.23            DEFINITIONS - W****WATERCOURSE**

An open trench either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two (2) acres which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

**WELL**

A permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and rules.

**WELLHEAD PROTECTION AREA (WHPA)**

The area around and upgradient from the public water supply wells delineated by the ten (10) year travel time contour capture boundary.

**WELLHEAD PROTECTION OVERLAY ZONE**

The wellhead protection area map approved by the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division and included within the "City of Grand Ledge Wellhead Protection Plan" dated September 2002 (as amended).

**WETLAND**

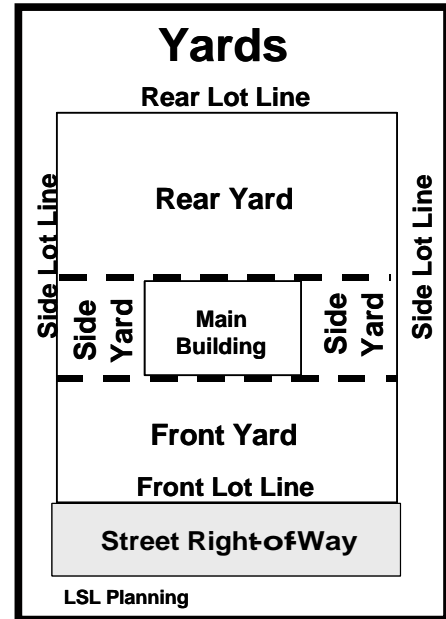
Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

**SECTION 2.24 DEFINITIONS - Y**

**YARD**

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

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



**YARD, REQUIRED**

The required yard shall be that set forth in the applicable chapters of the Oneida Township Zoning Ordinance as the minimum yard requirement for each zoning district.

**SECTION 2.25 DEFINITIONS - Z**

**ZONING ADMINISTRATOR**

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

**ZONING BOARD OF APPEALS**

As used in this Ordinance, "Zoning Board of Appeals" means the Oneida Charter Township Zoning Board of Appeals.

## CHAPTER 3 General Provisions

### SECTION 3.01      REQUIRED AREA, SPACE, AND USE CONDITIONS AND EXCEPTIONS

- A. No lots or lots in common ownership and no yard, parking area or other space shall be so divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- B. A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District in which it is located, provided the lot conforms to the requirements of the Eaton County Health Department. The main building on such lot shall be located so that it meets the yard setback requirements of the zone district in which it is located.

### SECTION 3.02      HEIGHT EXCEPTIONS

- A. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generator, and television and radio reception and transmission antennas, and towers for commercial wireless telecommunication services which do not exceed one and one half (1½) the structural height limitation for structures in that district.
- B. Additions to existing buildings and structures which now exceed the height limitations of their District may be constructed to the height of the existing building to which the addition is attached if the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

### SECTION 3.03      PRINCIPAL USE

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

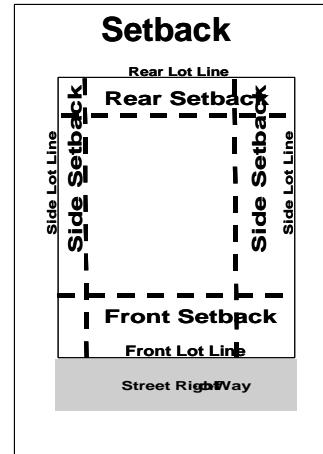
### SECTION 3.04      STREET ACCESS

Any lot of record created after the effective date of this Ordinance shall front upon a public street right-of-way meeting the minimum lot width required by this Ordinance.



**SECTION 3.05 BASIS OF DETERMINING FRONT YARD REQUIREMENTS**

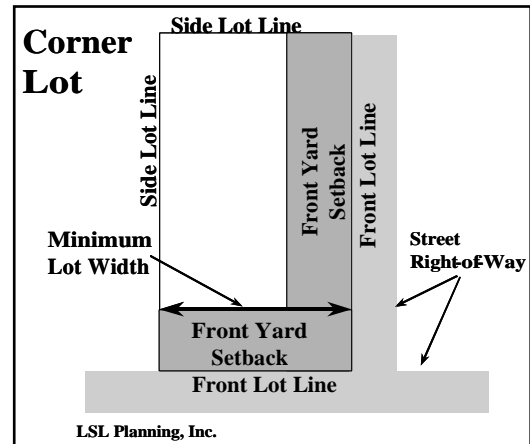
- A. The front yard setback line shall be measured from the right-of-way line or property line, to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district, excepted as noted in Section 3.05, B.
- B. Where an average setback line less than that required by this Ordinance has been established by existing buildings located within two hundred (200) feet of the proposed building on the same side of the street, such average setback shall apply.
- C. On corner and through lots, the front yard requirements shall apply on both streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.



LSL Planning

**SECTION 3.06 MINIMUM LOT WIDTH FOR IRREGULAR SHAPED LOTS**

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

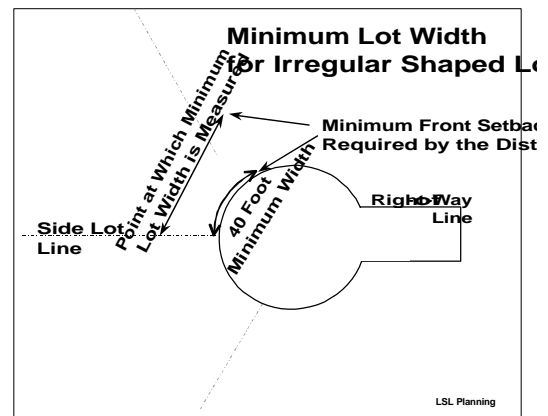


LSL Planning, Inc.

**SECTION 3.07 PROJECTIONS INTO YARDS**

- A. Architectural features may project a maximum of four (4) feet into a front or rear yard setback area, but shall not project more than two (2) feet into the side yard setback.
- B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered:

1. May project a maximum of ten (10) feet into a front yard setback area;
2. May project a maximum of ten (10) feet into a rear yard setback area; but
3. Shall not project more than four (4) feet into a side yard setback area; nor
4. Be placed closer than ten (10) feet to any front or rear lot line.



LSL Planning

- C. If such structures are permanently enclosed on any side or covered in any manner they shall be considered part of the main building.

### SECTION 3.08 ACCESSORY BUILDING AND USES

- A. Accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of those buildings and must conform to all regulations of this Ordinance applicable to main buildings.
- B. On corner lots, where the side lot line is a continuation of the front lot line of the lot to its rear, accessory buildings or uses shall be located no nearer than the front yard setback line of the lot behind the corner lots.
- C. No part of an accessory building shall be used as a dwelling for residential purposes.
- D. Accessory buildings in Residential Districts shall comply with the following requirements.
1. Locations: Accessory buildings shall be located as follows:
    - a. A minimum of ten (10) feet from any main building.
    - b. At the same front yard setback as required for the main building.
    - c. Buildings of less than one thousand two hundred (1,200) square feet GFA shall be a minimum of eight (8) feet from any side or rear lot line.
    - d. Buildings of one thousand two hundred (1,200) square feet GFA or greater shall conform to the minimum required setback requirements for main buildings within the zoning district in which they are located.
  2. Area: The total area for all detached accessory buildings shall not exceed the maximum floor areas noted in the chart below.

Lot Size	Building GFA	Maximum Height
Less than 1 acre	800 sq. ft.	14 ft.
1 acre, but less than 2 acres	960 sq. ft.	18 ft.
2 acres but less than 5 acres	1,200 sq. ft.	22 ft.
5 acres but less than 20 acres	2,400 sq. ft.	
20 acres or more	3,000 sq. ft.	

3. Maximum floor areas and heights for buildings accessory to other uses:
  - a. Buildings accessory to agricultural operations: no size or height limitation.
  - b. Multiple family developments: nine hundred sixty (960) square feet and eighteen (18) feet in height, excluding garages for the use of residents.

- c. Manufactured home parks: as required by Chapter 9.
  - d. Other uses in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the floor area of the main building(s) and no higher than the permitted maximum height for the zoning district in which it is located.
- E. Side yard setbacks shall be measured to the nearest wall of the building.
- F. Accessory buildings shall not occupy more than thirty (30) percent of the area of a rear yard.

### **SECTION 3.09 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS**

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

- A. If the dwelling unit is a manufactured home, the manufactured home must either be:
1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated.
  2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be safe and fit for residential occupancy.
  3. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the Township.
- E. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty (20) feet at time of manufacture, placement or construction.

- F. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Eaton County Health Department.
- G. The foregoing standards shall not apply to a manufactured home located in a manufactured home park licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Chapter 9 of this Ordinance except to the extent required by state or federal law.

**SECTION 3.10            TEMPORARY USES OR BUILDINGS REQUIRING ZONING  
ADMINISTRATOR AUTHORIZATION**

- A. Upon application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.
  - 1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
  - 2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, such temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
- B. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any Residential District only after finding the conditions outlined in subsection 3.10, B, 1-10, below, to be true. Such permit shall be valid for a period of not more than nine (9) calendar months. However, permits may be renewed by the Zoning Administrator for one (1) additional successive period of two (2) calendar months or less at the same location and for the same purpose.
  - 1. The manufactured home will be used only as a temporary dwelling for the property owner while they are constructing a permanent residence.
  - 2. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary dwelling permit, and construction of the permanent residence shall be significantly underway, so that the Zoning Administrator is reasonably satisfied that it will be completed within the time limited by the building permit.
  - 3. The manufactured home dwelling meets the requirements of the Eaton County Health Department and all applicable Township ordinances.
  - 4. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
  - 5. A performance guarantee may be required as outlined in Section 19.08, to ensure the proper removal of the temporary dwelling, following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.

6. In considering authorization for any temporary uses or structures, the Zoning Administrator shall consider the following standards:
  - a. That there will be no unsanitary conditions or other detrimental effects upon the property, occupants, or adjacent properties.
  - b. That, in the case of occupancy during construction, the use or structure is reasonably necessary for the convenience and safety of the construction proposed.
  - c. That the use or structure does not impact the nature of the surrounding neighborhood.
  - d. That access to the use, area, or structure is located at the least offensive point on the property.
  - e. That a hardship exists which necessitates the use of a temporary structure during construction of a permanent structure.
- C. The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met.
- D. All temporary dwellings, buildings, and uses shall be removed from the premises following the expiration of the permit and any extensions, or upon completion of the permanent building or structure, whichever first occurs.
- E. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.

### **SECTION 3.11 FENCES**

- A. Fences shall not be constructed in any public right-of-way.
- B. Unless specifically provided for elsewhere in this Ordinance, a fence may not exceed a height of three (3) feet within any front yard setback area, or a height of eight (8) feet in any other area, except as noted in Section 3.11, C and D.
- C. No fence shall contain any barbed wire or electrification unless necessary for agricultural purposes or for security in a Nonresidential District, or for the protection of public utility buildings or improvements. The barbed portion of the fence shall be at least six (6) feet from the ground, in which case the height of a fence may extend to a maximum of eight (8) feet.
- D. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard up to a height of eight (8) feet. Such fences shall be of an open type so as to not obstruct vision.

**SECTION 3.12 GREENBELTS AND LANDSCAPING**

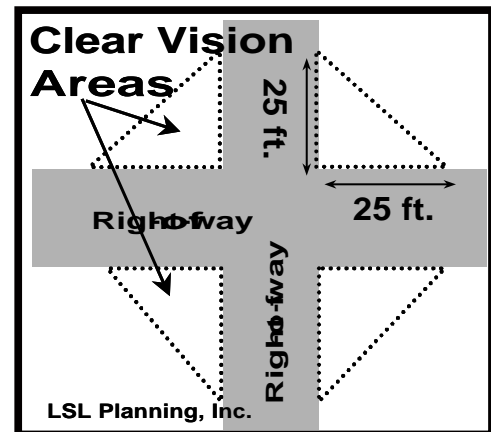
- A. A landscaped greenbelt may be required by the Township to be installed on a Nonresidential site or District in order to provide protective screening for nearby or adjacent Residential Districts or uses. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings shall be kept in a healthy growing condition, neat and orderly in appearance.
- B. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

**SECTION 3.13 INSTALLATION OF LANDSCAPING**

Any site on which a use permitted by this Ordinance is established shall install a lawn or other type of living ground cover for land areas disturbed as a result of construction and not covered by impervious surfaces within six (6) months after a certificate of occupancy is issued. A performance guarantee may be required by the Township to ensure that landscaping is installed within the six (6) month period in accordance with Section 19.08. No landscape materials other than lawn and street trees approved by the Eaton County Road Commission shall be planted within any public road right-of-way.

**SECTION 3.14 CLEAR VISION AREAS**

- A. No plantings, such as but not limited to trees and crops, fencing, or other structures shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.



- B. No vegetation or structure shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from of vehicles entering or leaving the site from driveways or adjacent roadways.

**SECTION 3.15 ESSENTIAL SERVICES**

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

**SECTION 3.16 ILLEGAL DWELLINGS**

The use of any basement for dwelling purposes is forbidden in any Zoning District unless said basement meets the appropriate building codes for the Township and the remainder of the dwelling has been completed and available for occupancy. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

**SECTION 3.17 EXCAVATIONS, HOLES, OR PONDS**

- A. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, or water impoundments which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued by the Building Inspector where such excavations are properly protected and warning signs posted in such manner as approved by the Building Inspector; and provided further, that this Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.
- B. This Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources as regulated by this Ordinance.
- C. Ponds created by excavations shall be subject to setbacks applicable to accessory buildings in Section 3.08. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical run.

**SECTION 3.18 OUTDOOR STORAGE OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS**

- A. Recreational vehicles, if parked outside, shall not be located in any front or side yard setback area.
- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling. The lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a Residential District.
- C. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, provided that such equipment may be parked and used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any six (6) month period, provided that running water or indoor sewage facilities within such equipment is not utilized.

**SECTION 3.19 SATELLITE DISH ANTENNAS**

- A. In any Nonresidential District, the following restrictions shall apply:
  - 1. The dish antenna shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.

2. The nearest part of the antenna shall be at least five (5) feet from any property line.
  3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
  4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation.
  5. A site plan shall be prepared and submitted to the Building Inspector for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- B. In any Residential District, the following restrictions shall apply:
1. The dish antenna shall be permitted in the rear yard only.
  2. The nearest part of the antenna shall be at least (5) feet from any property line.
  3. The unit shall be securely anchored as determined by the Building Inspector.
  4. The maximum height measured from the ground to the top edge of the dish shall be fourteen (14) feet.
  5. The antenna shall be an unobtrusive color, as approved by the Building Inspector. Nor shall any portion of the dish antenna contain any name, message, symbol, or other graphic representation.
  6. A site plan shall be submitted to the Building Inspector for approval prior to the issuance of a building permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.
- C. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in Nonresidential Districts.
- D. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that such dish antennas are located and constructed in a manner which will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.
- E. The Zoning Administrator shall permit any waivers or modifications of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing buildings, vegetation, topography, or other factors cause interference with reception.



**SECTION 3.20 EXTERIOR LIGHTING**

- A. All exterior and outdoor lighting, intended to illuminate broad areas shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America and, shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent properties or roadways.
- B. Except as provided in section 17.03.C, light poles used to illuminate parking lots or storage areas shall be limited to twenty (20) feet in height.

**SECTION 3.21 HOME OCCUPATIONS**

- A. Home occupations shall be approved by the Zoning Administrator. An application for a permit for a home occupation shall be accompanied by a letter from the applicant indicating the nature of the home occupation and sufficient facts to indicate that the home occupation will comply with the requirements of this Section.
- B. No persons other than the resident occupants and one (1) non-resident person shall be engaged in the home occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling and accessory building(s), but shall not in any case, exceed a total floor area equal to not more than twenty five percent (25%) of the floor area of the dwelling unit or accessory building. No articles or materials used in connection with a home occupation shall be stored other than in the main building.
- D. No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of merchandise shall be displayed on the premises. Only those materials produced on the premises as a result of such home occupation or are clearly related and incidental to the home occupation may be provided for sale.
- E. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated. The sign may be mounted flat against the wall of the main building or located in the front yard, provided that it does not exceed three (3) feet in height.
- F. Any traffic generated by a home occupation shall not be so great as to cause serious adverse effects within or upon the surrounding neighborhood. Parking areas, where needed, shall be located off the street and other than in a front yard setback area.
- G. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

**SECTION 3.22 SEASONAL USES**

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

**SECTION 3.23 NON-CONFORMING BUILDINGS, STRUCTURES, AND USES**

- A. General Conditions
  - 1. Except where specifically provided to the contrary, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment to this Ordinance, then on the effective date of such amendment, may be continued even though the use does not conform with the provisions of this Ordinance or any amendment thereto.
  - 2. Except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of the amendment, may be maintained and continued even though the building or structure does not conform with the provisions of this Ordinance or any amendment thereto.
- B. Extensions, enlargements, alterations, remodeling, or modernization.
  - 1. Nonresidential Districts - Buildings and Structures.
    - a. Nonconforming buildings or structures in Nonresidential Districts may be extended, enlarged, altered, remodeled or modernized when the Zoning Board of Appeals determines that the following conditions are met:

- (1) The extension, enlargement, alteration, remodeling or modernization of the building or structure complies with all height, area, and/or parking and loading provisions.
  - (2) The alteration, remodeling, or modernization does not substantially extend the life of any nonconforming building or structure.
  - (3) The enlargement or extension is limited to the same parcel on which the nonconforming building or structure was located at the time of the adoption of the existing Oneida Township Zoning Ordinance.
  - (4) The enlargement or extension does not interfere with the use of other properties in the vicinity.
  - (5) The enlargement or extension does not exceed fifty percent (50%) of the GFA of the original building when it became nonconforming.
- b. Any building or structure which is nonconforming by reason of parking or loading provisions and which thereafter provides additional parking and/or loading spaces shall not thereafter be permitted to use the additional spaces to meet requirements for any extension, enlargement, or change of use which requires additional parking and/or loading spaces.
2. Residential Districts and Uses: Nonconforming residential buildings or structures may be extended, enlarged, altered, remodeled or modernized when the Zoning Administrator determines that the following conditions are met:
- a. The enlargement or extension is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of the existing Oneida Township Zoning Ordinance.
  - b. The enlargement or extension will not interfere with the use of other properties in the vicinity.
  - c. The enlargement or extension shall not further encroach into any setback area.
- C. Restoration and Repair
1. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
  2. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of the building or structure beyond its natural life except for repairs necessary to maintain public safety.

3. Nonresidential buildings or structures damaged by fire, wind, Act of God or public enemy:
  - a. Buildings or structures may be rebuilt or restored if the cost thereof does not exceed fifty percent (50%) of the true cash value of the nonconforming building or structure prior to its damage or destruction.
  - b. If the cost of restoration or repair would exceed fifty percent (50%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Zoning Board of Appeals. In considering this authorization, the Board of Appeals shall consider the following standards:
    - (1) Whether a substantial improvement will significantly extend the probable duration of the nonconforming building.
    - (2) Whether or not the land previously occupied by the nonconforming building can be reasonably used for a use permitted in the applicable District.
4. Residential buildings or structures damaged by fire, wind, Act of God or public enemy:
  - a. Buildings or structures may be rebuilt or restored in its original nonconforming condition regardless of the extent of its destruction.
  - b. Reconstruction shall be commenced and proceed diligently within one (1) year of the date on which the structure was damaged. If construction is not commenced and proceeding diligently at the end of one (1) year, the dwelling may be rebuilt or restored provided that all yard and requirements of the District in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.

D. Nonconforming Uses - Change or Abandonment

1. Except as noted in G, below, the nonconforming use of a building or structure or of any land or premises shall not be:
  - a. Re-established after it has been changed to a conforming use.
  - b. Re-established after abandonment. Abandonment is presumed when:
    - (1) The use of a building or structure or of any land or premises is discontinued for a continuous period of six (6) consecutive months, or for eighteen (18) months within any three (3) year period.
    - (2) If there exists an intent and some act or omission on the part of the owner or holder which clearly manifests his or her voluntary decision to abandon the right to the non-conforming use. The

following shall constitute prima facie evidence of intent to abandon the non-conforming use:

- (a) The owner or holder of the right to the non-conforming use has disconnected utilities, such as water, gas and electricity to the property.
  - (b) The property, buildings, and grounds, have fallen into disrepair.
  - (c) The owner or holder of the right to the non-conforming use has removed signs or taken other actions indicating that the existence of the nonconforming use been removed.
  - (d) The owner or holder of the right to the non-conforming use has removed equipment or fixtures which are necessary for the operation of the nonconforming use.
  - (e) The owner or holder of the right to the non-conforming use has taken other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
- E. Any building or structure shall be considered existing and lawful and for purposes of Section 3.23, A, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, substantial construction has commenced and is thereafter pursued diligently to conclusion.
- F. Any structures or uses which fail to conform to the previous Oneida Township Zoning Ordinance, were not permissible, nonconforming uses or structures thereunder, and which violate the Zoning Ordinance shall not be considered permissible nonconforming uses under this Ordinance but shall be considered impermissible nonconforming uses and subject to the enforcement provisions of this Ordinance.
- G. A building, structure, or premises used for a nonconforming use may be converted to a more conforming use which is less intensive or objectionable use, determined as follows:
1. The building or premises may be changed to a Permitted Use in the same district in which the existing nonconforming use would be permitted, if the new use is required by the Zoning Ordinance to have the same, or less, parking and if the new use will be totally enclosed within a building.
  2. The use of the building or premises may be changed to another nonresidential use which would be permitted by right in a more restricted zoning district. For this purpose, the least restrictive district is the M1 District.

### **SECTION 3.24 DEMOLITION PERMITS**

No buildings shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in such amount according to a schedule as

determined by the Township Board. The bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with those requirements as to health and safety as the Building Inspector may prescribe, including, but not limited to, filling excavations and proper termination of utility connections.

### **SECTION 3.25            MAXIMUM WIDTH TO DEPTH RATIO**

- A.     In all Residential Districts, no lot shall be created whose lot depth exceeds four (4) times its width, except for residentially zoned lots or parcels that have more than one half (1/2) of their street frontage on a cul-de-sac. For purposes of this Section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the street connected to the cul-de-sac.
- B.     In the case of an unimproved corner lot or corner parcel, the depth of a lot or parcel shall be measured midway between the side lot lines and from the front lot line to the rear lot line along the dimension of the lot comprising the greatest distance.

### **SECTION 3.26            SITE CONDOMINIUMS**

- A.     A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B.     A site condominium unit shall be treated as a separate lot or parcel and may have such buildings constructed thereon and such uses conducted thereon as allowed in such zoning district provided such unit meets the District Regulations for the zoning district in which it is located.
- C.     A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with Chapter 16.

### **SECTION 3.27            KEEPING OF ANIMALS**

- A.     The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of permitted residential uses, subject to the requirements of this Section.
- B.     Any land, building, or structure where four (4) or more cats and/or dogs six (6) months of age or older are boarded, housed, or bred for commercial purposes shall be considered a kennel. Kennels shall only be permitted after approval as a Special Land Use on the lot or parcel on which it is proposed if provided for in that zoning district.
- C.     Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of land for medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:
  - 1.     Any pen or building or structure housing these animals shall be a minimum of fifty (50) feet from any property line and a minimum of one hundred and fifty (150) feet from any dwelling unit.

2. On lots of one-half ( $\frac{1}{2}$ ) acre, but less than one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family.
  3. On lots of greater than one (1) acre, but less than two (2) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises.
  4. On lots of greater than two (2) acres the uses permitted by paragraph 2, above; and one (1) horse, or one (1) cow, or one (1) pig for each full acre over two (2).
- D. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence shall be provided and regularly maintained that will keep any animals from leaving the premises at will.

### **SECTION 3.28 SWIMMING POOLS**

- A. Pools used for swimming or bathing shall conform with the requirements of this Section; provided, however, these regulations shall not be applicable to any pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where the pool is permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the body of water inaccessible to small children. This enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
- E. All swimming pool installations shall comply with any applicable Construction Codes and all other standard codes referred to therein.

---

## CHAPTER 4

### A-1 – Agricultural District

#### SECTION 4.01      PURPOSE

Land use decisions within this District will support the continued use of land for agricultural purposes. Design standards will promote preservation through low density development and the use of cluster, or open space, development. It is the purpose of this District to promote the orderly development of Oneida Township, and to preserve the economic value of agricultural and open lands of the township. All uses permitted within this District shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with Public Act 94 of 1995, the Michigan Right to Farm Act.

#### SECTION 4.02      PERMITTED USES

Land and/or buildings in the A-1 District may be used for the following purposes:

- A.      Farms, including farm houses and related accessory buildings.
- B.      Single family dwellings, including home occupations, as regulated by Section 3.21.
- C.      Greenhouses, orchards, and nurseries.
- D.      Production of crops/food and forest.
- E.      Campgrounds.
- F.      State licensed residential facility.
- G.      Family day care home.
- H.      Cemeteries.
- I.      Roadside stands of less than two-hundred (200) square feet.
- J.      Public utility or service buildings, not requiring outside storage or materials.
- K.      Accessory buildings and uses, as regulated by Section 3.08.

#### SECTION 4.03      SPECIAL LAND USES

The following uses are permitted in the A-1 District by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

- A.      Fairgrounds, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B.      Riding stables.



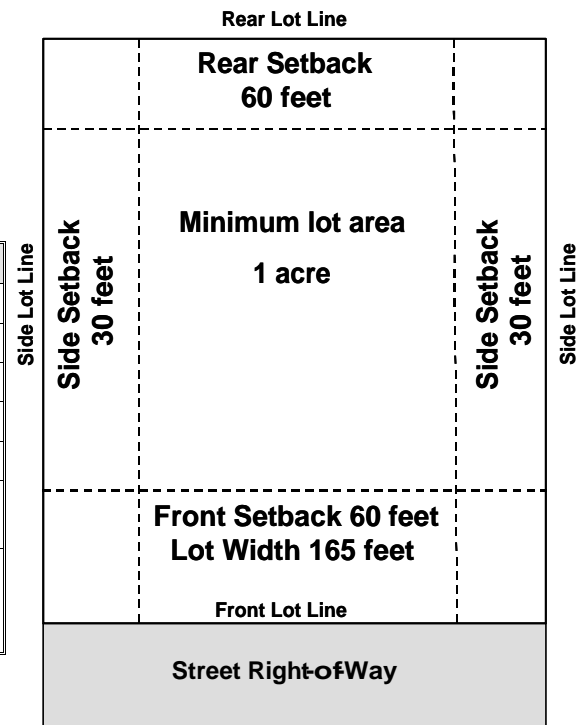
- C. Gun clubs.
- D. Publicly-owned athletic grounds and parks.
- E. Country clubs/golf courses (excluding miniature golf), private athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- F. Intensive livestock operations.
- G. Bed and breakfast establishments.
- H. Kennels and veterinary hospitals.
- I. Radio, television, or telephone transmission towers, including towers in excess of one hundred (100) feet in height for commercial wireless telecommunication services.
- J. Churches.
- K. Commercial removal and processing of soil, sand, gravel, or other minerals.
- L. Agricultural processing facilities.
- M. Roadside stands of two-hundred (200) square feet or greater.
- N. Planned Unit Developments (PUD).
- O. Open Space Development (OSD).

**SECTION 4.04 DISTRICT REGULATIONS**

A. The following dimensional requirements shall be met for any use found within this District, unless provided elsewhere.

<b>A-1 District Regulations</b>	
Minimum lot area	1 acre
Minimum lot width	165 feet
Minimum front yard setback	60 feet
Minimum side yard setback	30 feet
Minimum rear yard setback	60 feet
Maximum building height	2 ½ stories; or 35 feet, whichever is higher
Minimum dwelling unit size	1,000 sq. ft. 850 sq. ft. UFA on the first floor

**A-1 District**



---

## CHAPTER 5

### R-1A – Low Density Residential District

#### SECTION 5.01      PURPOSE

This District recognizes that much of the land in this classification will eventually be converted from farm and vacant fields to residential use. This District is intended to preserve privacy and rural character, protect ground water quality, and recognize the limited ability of the township to provide costly services associated with higher densities.

#### SECTION 5.02      PERMITTED USES

Land and/or buildings in the R-1A District may be used for the following purposes:

- A.      Farms, including farm houses, and related accessory buildings.
- B.      Single family dwellings, including home occupations, as regulated by Section 3.21.
- C.      Orchards.
- D.      Publicly owned athletic grounds and parks.
- E.      Production of forest crops.
- F.      Campgrounds.
- G.      State Licensed Residential Facility.
- H.      Family day care home.
- I.      Cemeteries.
- J.      Roadside stands of less than two-hundred (200) square feet.
- K.      Public utility or service buildings, not requiring outside storage or materials.
- L.      Accessory buildings and uses, as regulated by Section 3.08.

#### SECTION 5.03      SPECIAL LAND USES

The following uses are permitted in the R-1A District by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

- A.      Fairgrounds including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B.      Greenhouses and nurseries.
- C.      Roadside stands of any size not part of a farm.

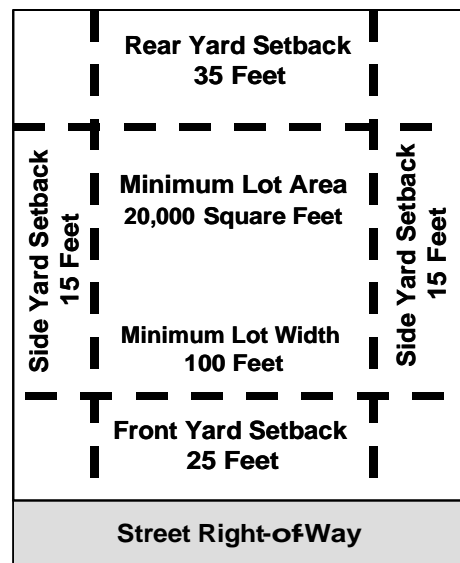
- D. Riding stables.
- E. Gun clubs.
- F. Municipal buildings and libraries.
- G. Bed and breakfast establishments.
- H. Radio, television, or telephone transmission towers, including towers in excess of one hundred (100) feet in height for commercial wireless telecommunication services.
- I. Kennels and veterinary hospitals.
- J. Landscape businesses.
- K. Planned Unit Developments (PUD).
- L. Open Space Development (OSD)

**SECTION 5.04 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use found within this District, unless provided elsewhere.

<b>R-1A District Regulations</b>	
Minimum lot area	20,000 square feet
Minimum lot width	100 feet
Minimum front yard setback	25 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	35 feet
Maximum building height	2 ½ stories; or 35 feet, whichever is higher
Minimum dwelling unit size	1,000 square feet UFA on the first floor

**R-1A District**



---

## CHAPTER 6

### R-2A – Medium Density Residential District

#### SECTION 6.01      PURPOSE

This District is intended to preserve those elements which contribute to rural character yet allow a higher development density than that which is permitted in the R-1A District. Higher density land use in designated R-2A areas is intended for development that will be sensitive to existing land uses, consider the need to protect groundwater resources, and be designed to limit effects on traffic and natural features. Code enforcement within this District will be of particular importance due to the frequency of construction as well as the degree of potential damage that may result if regulations are not followed.

#### SECTION 6.02      PERMITTED USES

Land and/or buildings in the R-2A District may be used for the following purposes:

- A. Single family dwellings, including home occupations, as regulated by Section 3.21.
- B. Publicly owned athletic grounds and parks.
- C. State Licensed Residential Facility.
- D. Family day care home.
- E. Cemeteries.
- F. Public utility or service buildings, not requiring outside storage or materials.
- G. Accessory buildings and uses, as regulated by Section 3.08.

#### SECTION 6.03      SPECIAL LAND USES

The following uses are permitted in the R-2A district by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

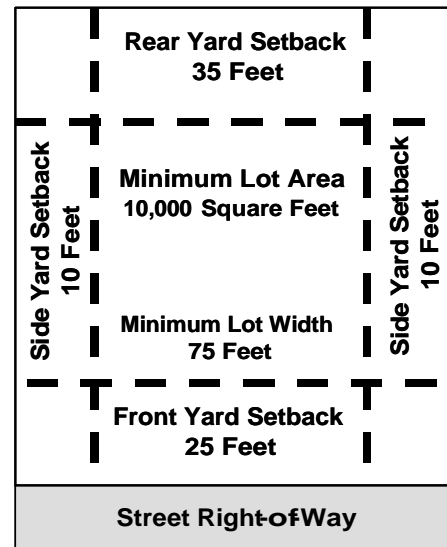
- A. Churches.
- B. Public utility or service buildings, not requiring outside storage or materials.
- C. Municipal buildings and libraries.
- D. Veterinary hospitals without boarding of pets.
- E. Planned Unit Developments (PUD).

**SECTION 6.04 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

<b>R-2A District Regulations</b>	
Minimum lot area	10,000 sq. ft.
Minimum lot width	75 feet
Minimum front yard setback	25 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	35 feet
Maximum building height	2 ½ stories; or 35 feet, whichever is higher
Minimum dwelling unit size	1,000 square feet UFA (864 square foot first floor minimum)

**R-2A District**



---

## CHAPTER 7

### R-1B – Medium Density One and Two Family Residential District

#### SECTION 7.01      PURPOSE

This district is intended to provide for a diverse residential environment whereby both one family and two family dwellings can be accommodated. It provides for a mixture of these two housing types and thereby offers a greater choice in living environments. Similar to the R-2A district, this district is intended for development that will be sensitive to existing land uses, consider the need to protect groundwater resources, and be designed to limit effects on traffic and natural features.

#### SECTION 7.02      PERMITTED USES

Land and/or buildings in the R-1B District may be used for the following purposes:

- A.      Single family dwellings, including home occupations, as regulated by Section 3.21.
- B.      Two family dwellings.
- C.      Publicly owned athletic grounds and parks.
- D.      State Licensed Residential Facility.
- E.      Family day care home.
- F.      Cemeteries.
- G.      Public utility or service buildings, not requiring outside storage or materials.
- H.      Accessory buildings and uses, as regulated by Section 3.08.

#### SECTION 7.03      SPECIAL LAND USES

The following uses are permitted in the R-1B District by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

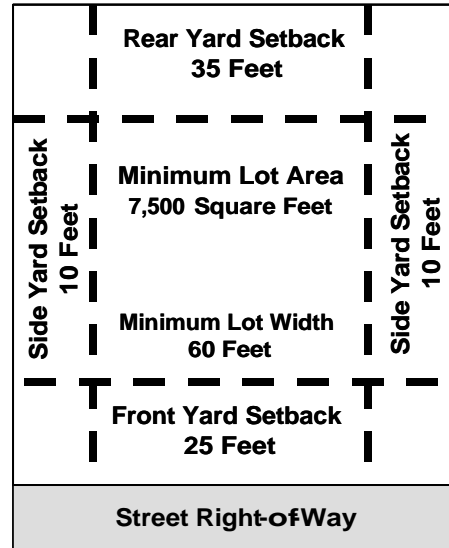
- A.      Churches.
- B.      Public utility or service buildings, not requiring outside storage or materials.
- C.      Municipal buildings and libraries.
- D.      Veterinary hospitals without boarding of pets.
- E.      Planned Unit Developments (PUD).

**SECTION 7.04 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use found within this District, unless provided elsewhere.

**R-1B District**

<b>R-1B District Regulations</b>	
Minimum lot area (per dwelling unit)	7,500 square feet
Minimum lot width	60 feet
Minimum front yard setback	25 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	35 feet
Maximum building height	2 ½ stories; or 35 feet, whichever is higher
Minimum dwelling unit size	1,000 square feet UFA (864 square foot first floor min.)



---

## CHAPTER 8

### R-M1 – High Density Residential District

#### SECTION 8.01      PURPOSE

In recognition of the need to provide areas for more intensive residential growth, the R-M1 District, High Density Residential, has been established. The presence of adequate public roads and the proximity of public utilities and services enable this District to accommodate intensive residential use. Development design must be sensitive to neighboring, existing uses to limit any potential negative effects.

#### SECTION 8.02      PERMITTED USES

Land and/or buildings in the R-M1 District may be used for the following purposes:

- A.     Single family dwellings, including home occupations, as regulated by Section 3.21.
- B.     Two family dwellings.
- C.     Publicly owned athletic grounds and parks.
- D.     State Licensed Residential Facility.
- E.     Family day care home.
- F.     Cemeteries.
- G.     Public utility or service buildings, not requiring outside storage or materials.
- H.     Accessory buildings and uses, as regulated by Section 3.08

#### SECTION 8.03      SPECIAL LAND USES

The following uses are permitted in the R-M1 District by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

- A.     Multiple family dwellings.
- B.     Churches.
- C.     Public utility or service buildings, not requiring outside storage or materials.
- D.     Group day care.
- E.     Hospitals, nursing homes, and housing for the elderly, but not including institutions for the mentally retarded, drug or alcohol patients, or correctional facilities.
- F.     State licensed residential care group facilities.



- G. Municipal buildings and libraries.
- H. Veterinary hospitals without boarding of pets.
- I. Planned Unit Developments (PUD).
- J. Manufactured Home Parks subject to the regulations of Chapter 9.

**SECTION 8.04 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

<b>R-M1 District Regulations</b>			
Minimum lot area (per dwelling unit)	Single family dwellings		7,500 square feet
	Two family dwellings		7,500 square feet
	Multiple family dwellings		5,000 square feet
	Nonresidential uses		1 acre
Minimum lot width	Single family dwellings		60 feet
	Two family dwellings		100 feet
	Multiple family dwellings		200 feet
	Nonresidential uses		
Minimum front yard setback	Single family dwellings		30 feet
	Two family dwellings		
	Multiple family dwellings		40 feet
	Nonresidential uses		
Minimum side yard setback	Single family dwellings		10 feet
	Two family dwellings		20 feet
	Multiple family dwellings		30 feet
	Nonresidential uses		
Minimum rear yard setback	Single and Two Family		35 feet
	Multiple family dwellings		50 feet
	Nonresidential uses		
Maximum building height			2 ½ stories; or 35 feet, whichever is higher
Minimum dwelling unit size	Single and two family dwellings		1,000 square feet UFA (864 square feet per unit UFA on ground floor)
	Multiple family dwellings	1 bedroom	750 square feet UFA per unit
		2 bedrooms	864 square feet UFA per unit
		+2 bedrooms	950 square feet UFA per unit

## **CHAPTER 9**

### **R-4 – Manufactured Home Park District**

#### **SECTION 9.01      PURPOSE**

To provide for manufactured home park development, of long-term duration of stay, in areas which are appropriate by means of traffic access and public utilities and services. Public water and sewer facilities, or a suitable alternative method of providing such services shall be provided for each development. This development is to be located near essential community services and abutting paved public roads. All manufactured home parks shall comply with the applicable requirements of Public Act 419 of 1976, as amended, and Public Act 96 of 1987, as amended, and all other applicable local, county, or state regulations.

#### **SECTION 9.02      PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes:

- A.      Manufactured home parks.
- B.      Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds.
- C.      Family day care.
- D.      Home occupations, as regulated by Section 3.21.
- E.      Accessory buildings and uses, as regulated by Section 3.08.

#### **SECTION 9.03      REGULATIONS**

All manufactured home parks shall comply with the applicable requirements of Act 419, P.A. 1976 as amended provided further that said developments meet the standards and conditions and all other provisions as herein established.

#### **SECTION 9.04      INSTALLATION AND OCCUPATION OF MANUFACTURED HOMES**

- A.      No manufactured home shall be placed or parked or installed in a manufactured home park until such time as a building permit is obtained from the Building Inspector. Such permit shall be issued by the Building Inspector after making a finding that said manufactured home meets construction standards as approved by the Department of Housing and Urban Development (HUD) Code, or has been certified by a manufacturer as constructed according to the requirements of the HUD code.
- B.      No manufactured home shall be occupied by any person as a residence or for any other purpose until such time as said manufactured home is placed or situated on a specific lot in the manufactured home park and has been inspected by the Building Inspector and issued an Occupancy Permit. Such inspection shall include the placement, connection to utilities, and compliance with all necessary State, Township or other ordinances and regulations. Such permit shall be issued by the Building Inspector on payment of inspection fee as may be authorized by resolution of the Township Board from time to

time. In the event said manufactured home is moved to another lot or another manufactured home is placed on the specific lot, a new Occupancy Permit must be obtained by the owner or resident from the Building Inspector.

### **SECTION 9.05 APPLICATION PROCEDURES**

- A. Rezoning Approval: The application for rezoning for a manufactured home park requires the approval of the Township Board upon recommendation from the Planning Commission. In reviewing the application the following shall be among the major considerations of both bodies prior to official action being taken:
1. Whether the proposal is in general accordance with the Master plan.
  2. Whether the proposal meets all the design standards of this Ordinance and other applicable local codes, regulations, or ordinances.
  3. Whether the development density of the proposed development could adversely affect adjacent properties and land uses.
  4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
  5. Whether the proposed development produces an extreme or undue demand on available fire and police protection or other Township or County services such as schools.
  6. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on adjacent vehicular and/or pedestrian circulation facilities.
- B. Site Plan: Any application for the extension, alteration, or construction of a manufactured home park shall be accompanied by a site plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. The site plan shall be conformance with the provisions and requirements of Chapter 16 of this Ordinance.

### **SECTION 9.06 STANDARDS AND REGULATIONS**

- A. Minimum site size for a manufactured home park shall be ten (10) acres.
- B. Minimum number of manufactured home spaces shall be twenty-five (25). Required streets and utilities shall be completed for at least twenty-five (25) manufactured home spaces along with related improvements before first occupancy.
- C. Each manufactured home park shall have direct access to a County Primary Road, as defined in the Township Master Plan.
- D. No access to the site shall be located closer than two hundred (200) feet from the intersection of any two (2) arterial streets. Minimum street widths within the manufactured home park shall be accordance with the following schedule:

Parking Condition	Minimum Street Width by Direction	
	One Way	Two Way
No on-street parking	14 feet	21 feet
Parallel parking one side	24 feet	31 feet
Parallel parking both sides	34 feet	41 feet

- E. No manufactured home or other building or structure for residential purposes shall be in excess of two and one-half (2½) stories, or in excess of a maximum height of twenty five (25) feet.
- F. Each manufactured home lot, exclusive of streets, shall have a minimum size of five thousand (5,000) square feet and a minimum width of forty (40) feet, as measured at the minimum building setback line. No more than one (1) manufactured home shall be parked on any one (1) lot, and no manufactured home shall be occupied by more than one (1) family.
- G. The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not by way of limitation, storage sheds, cabanas, and porches:
1. Seven (7) feet from the inside of the sidewalk.
  2. Ten (10) feet from any rear lot line.
  3. Ten (10) feet from the side lot line on the entry side, and five (5) feet from the side yard on the non-entry side.
  4. A manufactured home may be placed on the side lot line, provided there is minimum of fifteen (15) feet open space between said lot line and any other structure or manufactured home, including but not by way of limitation, storage sheds, cabanas or porches.
- H. Each lot shall front on sidewalks at least three (3) feet in width, located directly next to and parallel to the street.
- I. Each lot shall provide a minimum of four hundred (400) square feet of paved off-street parking.
- J. The front, back and side yards of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be one (1) shade tree provided for every two (2) lots with a minimum diameter at breast height of 3 inches.
- K. The manufactured home park shall provide a buffer zone strip separating the manufactured home park from adjacent property. The buffer zone shall be properly planted with trees or shrubbery or other nursery stock of varying height, so as to provide a density sufficient to block the view of the manufactured home park and buildings up to a minimum of five (5) feet in height. No part of the buffer zone shall be used for any structure, board fences, right-of-way, or parking purposes. The buffer zone shall be maintained by the owner of the park.

1. In the event the back yard of any lot or lots within a manufactured home abuts adjacent property, the rear ten (10) feet of each rear yard may be used as part of the buffer strip, provided further that no buildings, houses or other structures may be constructed with said strip.
2. The width of the buffer strip shall be in accordance with the following schedule:

Zoning of Adjacent Property	Width of Buffer
A-1, R-1A	15 feet
Other Residential Districts	15 feet
Nonresidential Districts	25 feet

- L. The manufactured home park shall have minimum setback from any public street of one hundred (100) feet, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park.
- M. All streets within the manufactured home park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications, and provided with proper curbing.
- N. The manufactured home park shall contain one (1) or more open space areas intended primarily for the use of park residents on a minimum ratio of two hundred and fifty (250) square feet for every manufactured home lot provided that buffer zone areas shall not be included as part of such requirement.
- O. The manufactured home park shall provide one (1) or more storm shelters of size and capacity so as to accommodate all the residents of the park.
- P. All street intersections and designated pedestrian crosswalks shall be illuminated by not less than .25 foot candles. All roads, parking bays and pedestrian walkways shall be illuminated by not less than .5 foot candles.

#### **SECTION 9.07 UTILITY STANDARDS**

- A. All utilities shall be underground.
- B. All lots shall be provided with a public water and sanitary sewer service, or such water and sanitary services that may be approved by the Eaton County Health Department and other applicable agencies. All manufactured homes shall be connected thereto and all expenses of installation and connection shall be borne by the owner or operator of the manufactured home park, and no costs shall be applied or taxed against owners of any adjacent property or along any main extended from the manufactured home park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.
- C. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the Michigan Department of Health. All storm drainage and surface drainage facilities flowing from the park to adjacent areas shall be approved by the Eaton County Drain Commissioner.

---

**SECTION 9.08 MANUFACTURED HOME STANDARDS**

- A. Every manufactured home shall be supported on a permanent concrete manufactured home pad or foundation at least twelve (12) feet in width with a minimum of six hundred (600) square feet, and four (4) inches thick; and all areas between the manufactured home and ground shall be enclosed by a fire resistant skirt.
- B. In the event the soil or topographic conditions of the proposed manufactured home park are such that other foundations or support are appropriate, and the developer provides to the Building Inspector a report by a certified engineer that piers are equal to or superior to the specifications as set forth in this Section, such foundations may be approved by the Building Inspector, provided such construction includes provisions for proper drainage and covering ground under each manufactured home.
- C. Every manufactured home shall be at least twelve (12) feet in width and have a minimum of seven hundred and twenty (720) square feet of living area exclusive of porches and cabanas.

**SECTION 9.09 MANUFACTURED HOME SALES**

- A. No person desiring to rent a dwelling unit site shall be required, as a condition to such rental, to purchase a manufactured home from the owner or operator of the park as long as the manufactured home intended to be located on such rented site conforms in size, style, shape, price, etc. as may be required by any reasonable rules and regulations governing the operation of the manufactured home park.
- B. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home lot by the individual owner or his agent, or those home occupations as permitted in the Zoning Ordinance, provided such sales and occupations are permitted by the park regulations. A commercial manufactured home sales lot shall not be permitted in this District.

---

## CHAPTER 10

### B-1 – Local Business District

#### SECTION 10.01      PURPOSE

The Local Business District provides locations within the township for small, convenient commercial areas. Uses considered to be appropriate for the B-1 District shall cater to the residents of Oneida Township and nearby areas, remain small enough in scale to be well integrated into a neighborhood setting, and possess appropriate traffic safety components which will limit potential negative impacts resulting from a non-residential use. Uses are prohibited which may create hazards; offensive or loud noises; or excessive vibration, smoke, glare, or heavy truck traffic.

#### SECTION 10.02      PERMITTED USES

Land and/or buildings in the B-1 District may be used for the following purposes:

- A.     Retail food establishments conducting business entirely within enclosed buildings of less than ten thousand (10,000) square feet of GFA.
- B.     Restaurants, not including drive-through facilities.
- C.     Banks, credit unions, and similar financial institutions, not including drive-through facilities.
- D.     Personal service establishments.
- E.     Professional and business offices.
- F.     Health and physical fitness establishments.
- G.     Municipal and public buildings and public utility offices, but not including storage yards, substations, or regulator stations.
- H.     Accessory buildings and uses, as regulated by Section 3.08

#### SECTION 10.03      SPECIAL LAND USES

The following uses are permitted in the B-1 District by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

- A.     Retail food establishments conducting business entirely within enclosed buildings of ten thousand (10,000) square feet of GFA or greater.
- B.     Drive-through establishments including banks, dry cleaners, pharmacies, and similar personal services with drive-through service.
- C.     Drive-through restaurants.

- D. Mortuaries and funeral homes.
- E. Open air businesses.
- F. Vehicle service stations.
- G. Vehicle wash establishments.
- H. Commercial day care centers.
- I. Medical offices including clinics.
- J. Hotels and motels.
- K. Commercial recreation including mini-golf, driving ranges, bowling lanes, theaters, indoor skating rinks, billiard parlors, or similar uses.

**SECTION 10.04 DISTRICT REGULATIONS**

- A. The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

<b>B-1 District Regulations</b>		
Minimum lot area	5,000 square feet	
Minimum lot width	100 feet	
Minimum front yard setback	40 feet	No parking area, except for driveways, shall be located within the front yard. The front yard shall be landscaped.
Minimum side yard setback	10 feet	Side or rear yards adjoining any lot in a Residential District shall be screened by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one (1) growing season; or a solid wall or opaque board fence six (6) feet in height.
Minimum rear yard setback	40 feet	
Maximum building height	2 ½ stories; or 35 feet, whichever is higher	

- B. Parking lots for uses in the B-1 District shall be adequately lit to ensure security and safety and shall meet the following requirements:
  1. Light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
  2. Lighting shall not be permitted to illuminate areas not within the parking lot or other areas related to the use for which the parking is intended.
  3. Parking lot lighting shall also meet the requirements of Section 3.20.



---

## CHAPTER 11

### B-2 – General Business District

#### SECTION 11.01      PURPOSE

The General Business District will focus on creating a commercial center within the township that remains sensitive to existing and planned residential development and yet is able to accommodate the commercial needs of township residents. In order to achieve this balance, regulations shall focus on site design including; building location, parking areas, driveway location, lighting, landscaping, road capacity, signs, noise and other potential nuisances, and location of activity areas.

#### SECTION 11.02      PERMITTED USES

Land and/or buildings in the B-2 District may be used for the following purposes:

- A. Any retail business whose principal activity is the sale of merchandise within an enclosed building.
- B. Personal service establishments.
- C. Service establishments, including printing, publishing, photo reproduction, blueprinting, and related trades or arts.
- D. Professional and business offices.
- E. Medical offices including clinics.
- F. Municipal and public buildings and service installations.
- G. Health and physical fitness establishments.
- H. Restaurants, not including drive-through facilities.
- I. Accessory buildings and uses, as regulated by Section 3.08

#### SECTION 11.03      SPECIAL LAND USES

The following uses are permitted in the B-2 District by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

- A. Drive-through establishments, including banks, dry cleaners, pharmacies, and similar personal services with drive-through service.
- B. Drive-through restaurants.
- C. Open air businesses.
- D. Commercial recreation including mini-golf, driving ranges, bowling lanes, theaters, indoor skating rinks, billiard parlors, or similar uses.

- E. Vehicle service stations.
- F. Vehicle wash establishments.
- G. Building materials sales, including building trade contractors and related storage yards.
- H. Mortuaries and funeral homes.
- I. Commercial day care centers.
- J. Hotels and motels.
- K. Veterinary hospitals, clinics, and kennels.
- L. Commercial storage warehouses.
- M. Assembly buildings including dance halls, auditoriums, churches, and private clubs.

**SECTION 11.04 DISTRICT REGULATIONS**

- A. The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

<b>B-2 District Regulations</b>		
Minimum lot area	8,000 square feet	
Minimum lot width	50 feet	
Minimum front yard setback	25 feet	No parking area, except for driveways, shall be located within the front yard. The front yard shall be landscaped.
Minimum side yard setback	10 feet	Side or rear yards adjoining any lot in a Residential District shall be screened by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one (1) growing season; or a solid wall or opaque board fence six (6) feet in height.
Minimum rear yard setback		
Maximum building height	2 ½ stories; or 35 feet, whichever is higher	

- B. Parking lots for uses in the B-2 District shall be adequately lit to ensure security and safety and shall meet the following requirements:
  1. Light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
  2. Lighting shall not be permitted to illuminate areas not within the parking lot or other areas related to the use for which the parking is intended.
  3. Parking lot lighting shall also meet the requirements of Section 3.20.

---

## CHAPTER 12

### M1 – Light Industrial District

#### SECTION 12.01      PURPOSE

Due to the limited ability of Oneida Township to provide a high level of public utility service, such as water and sewer, there is a limited number of industries which would be able to locate in the area. Sites which generally meet the following qualifications may be considered for light industrial development:

- A. Adequate road capabilities to manage truck traffic.
- B. Availability of public utilities.
- C. Sufficient area for parking, loading, screening, and activities.
- D. Adequate separation from residential uses to prevent a nuisance.

#### SECTION 12.02      PERMITTED USES

Land and/or buildings in the M1 District may be used for the following purposes:

- A. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling the following:
  - 1. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products.
  - 2. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils).
  - 3. Electrical machinery, equipment and supplies, electronic components and accessories.
  - 4. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods.
- B. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:
  - 1. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products.
  - 2. Apparel and other finished products including clothing, leather goods, and canvas products.
  - 3. Lumber and wood products including mill work, prefabricated structural work products and containers.

4. Paper and paperboard containers and products.
  5. Biological products, drugs, medicinal chemicals and pharmaceutical preparations.
  6. Glass products.
  7. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays.
  8. Pottery and figurines and other ceramic products using only previously pulverized clay.
  9. Fabricated metal products, except the production of heavy machinery and transportation equipment.
- C. Wholesale businesses, including automotive equipment , drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.
  - D. Warehousing, including refrigerated and general storage.
  - E. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
  - F. Research and development facilities, including production activities, which shall be limited to fifty (50%) percent of the floor area of the building.
  - G. Trade or industrial schools.
  - H. New building materials sales and storage, including building trade contractors and related storage yards.
  - I. Utilities and communications installations such as electrical receiving or transforming stations, microwave towers, and televisions and radio towers, including towers for commercial wireless telecommunication services.
  - J. Utility and public service buildings, including storage yards.
  - K. Accessory buildings and uses, as regulated by Section 3.08.

### **SECTION 12.03 SPECIAL LAND USES**

The following uses are permitted in the M1 District by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

- A. Truck and freight terminals, and maintenance facilities.
- B. Junkyards and salvage yards.

- C. Restaurants, not including drive-through establishments.
- D. Sawmills.
- E. Removal and processing of soil, sand, gravel, or other mineral resources.
- F. Tool and die metal working shops.
- G. Adult uses.

**SECTION 12.04 DISTRICT REGULATIONS**

- A. The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

<b>M1 District Regulations</b>		
Minimum lot area	2 acres	
Minimum lot width	200 feet	
Minimum front yard setback	50 feet	No parking area, except for driveways, shall be located within the front yard. The front yard shall be landscaped.
Minimum side and rear yard setback	25 feet	Side or rear yards adjoining any lot in a Residential District shall be screened by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one (1) growing season; or a solid wall or opaque board fence six (6) feet in height.
Maximum building height	35 feet	
Maximum lot coverage	50 percent	

- B. Light fixtures for parking lot and other outdoor activity areas shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally. Parking lot lighting shall also meet the requirements of Section 3.20.

---

## CHAPTER 13

### F-1 – Floodplain Overlay District

#### SECTION 13.01 INTENT AND PURPOSE

The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the floodplain areas of watercourses within the Township so that their reservoir capacity shall not be reduced, thereby creating danger to areas previously not endangered by high water, or to impede, retard, accelerate or change the direction of the flow or carrying capacity of the watercourse or to otherwise increase the possibility of flood. These regulations, while permitting reasonable use of such properties, will help to protect human life, prevent or minimize material and economic losses and reduce the cost to the public in time of emergency, through public aid and relief efforts occasioned by the unwise occupancy of flood areas. All land included in the floodplain overlay district shall be subject to the requirements specified herein, in addition to the underlying zoning district requirements in which the land shall be located.

#### SECTION 13.02 FLOODPLAIN AREAS

The floodplain areas within Oneida Township shall be determined and a record of the determination shall be kept in the office of the Zoning Administrator and Township Supervisor. In making the determination, the Zoning Administrator shall take into consideration the nature of the situation, past, present and future experiences, published reports, and information furnished by the Michigan Water Resources Commission, the U.S. Army Corps of Engineers, the Soil Conservation Services of the U.S. Department of Agriculture, and other responsible sources. Floodplain areas shall be restricted as to use and occupancy so human life is protected and further flood damage is minimized.

#### SECTION 13.03 PERMITTED USES

Land and/or buildings in the F-1 District may be used for the following purposes:

- A. Open space uses, such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, preserves, bridle trails, nature paths, private or commercial recreation, and other similar open uses.
- B. Off-street parking uses, PROVIDED that all parking shall be at grade level and in conformance with the provisions of Chapter 17.
- C. Yard and setback areas, required for any zoning district within the floodplain areas may be included within the floodplain areas. However, the elevation of the lowest floor designed or intended for human habitation shall be at least three (3) feet above the established floodplain.

#### SECTION 13.04 SPECIAL LAND USES

Special Land Uses permitted in the F-1 District are those permitted as Special Land Uses in the underlying zoning district after review and approval by the Township utilizing all applicable zoning standards, including those of Chapter 15 and all the following specific criteria.

- A. Be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water. Such design may be accomplished by the use of piles, silts, cantilevering, or other such construction methods which will place the desired building and structures above the determined flood elevation in a safe manner so that the foundation and structural supports of buildings and structures will withstand the anticipated level, volume and velocity of the flood waters and coincidentally minimize the impeding of the natural free flow of the flood waters.
- B. All buildings constructed under Special Land Use Permits shall have a minimum first floor elevation of not less than three (3) feet above the established floodplain.
- C. Dumping or backfilling in the floodplain areas with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, PROVIDED the flow and natural impoundment capacity of the floodplain will be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the floodplain would thereby result.
- D. Utilities, roads, railroads, dams, rivers, structures and buildings for public or recreational uses are permitted when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

---

## CHAPTER 14

### Wellhead Protection Overlay Zone

#### SECTION 14.01      PURPOSE

- A.      Oneida Township has determined that:
1.      Certain groundwater underlying the Township is the source of public drinking water for the City of Grand Ledge and developing areas of the Township.
  2.      Groundwater aquifers are integrally connected with the surface water, streams, drains and the Grand River which constitute significant public health, recreational and economic resources of the Township and surrounding area.
  3.      Spills and discharges of petroleum products, sewage and hazardous substances threaten the quality of the groundwater supplies and other water related resources, posing potential public health and safety hazards and threatening economic losses.
- B.      Therefore, Oneida Township has enacted an Overlay Zone to initiate the following actions:
1.      Preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas for the municipal water supply, and to protect them from adverse land use development or land use practices.
  2.      Preserve and protect sources of drinking water supply for public health and safety.
  3.      Conserve the natural resources of the Township and the surrounding area.
  4.      Provide a level of protection of the financial investment that the Township has in its drinking water supply.
  5.      Assure that State regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.

#### SECTION 14.02      PERMITTED USES AND PROHIBITED USES

Permitted land uses in the Wellhead Protection Overlay Zone include all those permitted uses as allowed in the underlying zoning district, except for the following:

- A.      Petroleum product manufacturing.
- B.      Commercial salvage yards and/or scrap processing.
- C.      Oil and gas drilling.
- D.      Vehicle maintenance services, including public and private garages.



- E. Chemical and paint manufacturing operations.
- F. Laundry and dry cleaner operations.
- G. Electronic equipment manufacturing operations.
- H. Electro-plating and chemical coating operations.
- I. Other similar uses utilizing chemicals on a commercial or industrial basis.

## **SECTION 14.03 GENERAL PROVISIONS**

These provisions shall apply to all properties within the Wellhead Protection Overlay Zone, including private, commercial, industrial, residential and public properties, which use include the storage or generation of hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred and twenty (220) pounds or twenty five (25) gallons) per month, and which require site plan review under provisions of this Ordinance or the Zoning Ordinance of Oneida Township. The General Provisions apply to entire property parcels, providing parcel is at least partially included in the Wellhead Protection Overlay Zone.

### **A. Groundwater Protection Standards**

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.
2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capability of any wetland, water body, or watercourse, and shall not increase flooding, or the potential for environmental contamination, on-site or off-site, and shall not result in loss of the use of property by any third party.
3. Industrial facilities with a point source discharge of storm water shall maintain a Storm Water Pollution Prevention Plan in accordance with applicable State and Federal regulations.
4. General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a State surface or groundwater discharge permit. If connected to the public sewer system then the volumes and concentrations of waste discharged to the floor drain may require compliance with City of Grand Ledge pre-treatment requirements.
5. Sites that at any time use, store or generate substances in quantities greater than one hundred (100) kilograms that include hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
6. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including

direct and indirect discharges, shall be allowed without applicable permits and approvals.

7. Bulk storage of pesticides shall be in accordance with applicable County, State and Federal regulations.

#### **B. Aboveground Storage and Use Areas for Hazardous Substances**

1. Primary containment of hazardous substances shall be product tight.
2. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers with a volume of less than forty (40) gallons and packaged for retail use shall be exempt from this item.
3. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism, including an allowance of the expected accumulation of precipitation.
4. Accessory buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable County, State and Federal regulation.
5. Areas and facilities for loading and unloading of hazardous substances as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater, or soils.

#### **C. Underground Storage Tank Systems**

1. Existing and new underground storage tanks shall be registered with the authorized State agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.
2. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Environmental Quality (MDEQ). Leak detection, secondary containment, corrosion protection, spill prevention and overflow protection requirements shall be met.

#### **D. Well Abandonment**

1. Out of service wells shall be sealed and abandoned in accordance with applicable State requirements.

**E. Well Construction**

1. Well drilling, construction and installation shall only be performed by State of Michigan Registered Well Drillers.
2. Well construction shall be completed in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended, and rules.
3. Well construction shall include fully grouting the entire length of the well casing in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended, and rules.

**F. Sites With Contaminated Soils and/or Groundwater**

1. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and environment.
2. Information must be provided regarding the type, concentration and extent of identified contamination, land use deed restrictions and any remedial action plans.
3. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

**G. Construction Standards**

1. The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, handling hazardous substances in proximity to water bodies or wetlands may be improper.
2. Hazardous substances stored on the construction site during the construction process, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage container volume of over forty (40) gallons that contains hazardous substances shall have secondary containment.
3. If the contractor will be storing or handling hazardous substances that require a Material Safety Data Sheet (MSDS), the contractor shall familiarize him/herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.
4. Upon completion of construction, all hazardous substances and containment systems no longer used, or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor, and shall be disposed of, recycled, or re-used in a proper manner as prescribed by applicable State and Federal Regulations.

5. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

#### **H. Maintenance**

1. In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil and groundwater. Cracks and holes in floors, foundations and walls must be repaired in areas where hazardous substances are handled or stored.

#### **I. Exclusions**

1. A limited exclusion from the General Provisions of Section 14.04 is hereby authorized for hazardous substances as follows:
  - a. The hazardous substance is packaged for personal or household use or is present in the same form and concentration as a product packaged for use by the general public.
  - b. The total excluded substances containing hazardous substances may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
2. A limited exclusion from the General Provisions of Section 14.04 is hereby authorized for non-routine maintenance or repair of property in the Wellhead Protection Overlay Zone provided the uses are limited as follows:
  - a. The aggregate of hazardous substances may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
  - b. The total use of substances containing hazardous substances may not exceed one-hundred (100) gallons or eight hundred (800) pounds at any time.

### **SECTION 14.04 SITE PLAN REVIEW REQUIREMENTS**

In addition to the requirements of Chapter 16 Site Plan Review, the following information shall be provided on a site plan submitted for review to the Township:

- A. The location and size of interior and exterior area(s) and structure(s) to be used for on-site storage, use, load/unloading, recycling, or disposal of hazardous substances.
- B. The location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated stormwater or wash water, and all similar uses.
- C. The location of existing and proposed wells.
- D. The location of exterior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

- E. The areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of any site remedial action plan and land use deed restrictions, if applicable.

#### **SECTION 14.05 EXEMPTIONS AND WAIVERS**

The transportation of any hazardous substance shall be exempt from the provisions of this Ordinance provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a State licensed hazardous waste treatment, storage, or disposal facility.

## CHAPTER 15

### Special Land Uses

#### SECTION 15.01 SCOPE

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Oneida Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 15.04, as applicable.

#### SECTION 15.02 APPLICATION AND REVIEW PROCEDURES

- A. An application for a Special Land Use shall be submitted through the Zoning Administrator. Each application shall be accompanied by:
1. The payment of a fee, as established by the Township Board.
  2. A completed application form, as provided by the Township.
  3. A complete site plan in accordance with Chapter 16 of this Zoning Ordinance.
  4. A written project narrative and statement, as well as, supporting evidence, relating to each applicable required Special Land Use review standard listed within Section 15.03A.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting. The Zoning Administrator shall determine if the Application is administratively complete.
- C. The administratively complete application and all related materials shall be forwarded to the Planning Commission for consideration.
- D. The Planning Commission shall hold a public hearing on the application, a notice of which must be published in a newspaper of general circulation in the Township, and sent by 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. The notice shall be given not less than 5 nor more than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial areal shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations,

notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The Township Planning Commission shall have the discretion of notifying property owners beyond the three-hundred feet depending on the type of development. An affidavit of mailing or delivery of notice shall be maintained by the Township Clerk.

- E. The notice of public hearing must contain all of the following:
1. Describe the nature of the Special Land Use request.
  2. Describe the property which is the subject of the Special Land Use request.
  3. State the date, time, and place of the public hearing.
  4. Indicate when and where written comments will be received regarding the request.
- F. The Planning Commission shall review the application and all other information available to it through the public hearing or other sources, including recommendations or reports from the Township planner, engineer, or other expert, with reference to the standards and findings required herein, and shall issue a written recommendation to the Township Board for either approval, approval with conditions, or denial of the request. The Planning Commission shall incorporate into its written recommendation a statement of the basis for its recommendation and any conditions it recommends.
- G. Thereafter, the Township Board shall review and consider the Planning Commission's recommendation on the Special Land Use request at a public meeting after the Planning Commission issues its recommendation. The Township Board shall issue a decision on the Special Land Use request, by either approving, approving with conditions, or denying the request, notwithstanding the Planning Commission's recommendation. The Township Board's decision must be incorporated into a statement containing the conclusions relative to the Special Land Use under consideration which specifies the basis for its decision, and any conditions imposed, all of which shall be made part of the record of the meeting at which action is taken.
- H. No application for Special Land Use approval that has been disapproved may be resubmitted for a period of one (1) year from the date of disapproval, provided, however, that where there exist new and significant facts or conditions which might result in favorable action upon resubmittal; and application may be resubmitted within earlier than one (1) year.
- I. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.
1. The Planning Commission may grant one (1) six (6) month extension of the approval time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond

- the control of the applicant, and the project will proceed within the extension period.
3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- J. The Planning Commission shall have the authority to recommend to the Township Board that a Special Land Use approval be revoked through utilization of the following procedures:
1. The Planning Commission shall consider the issue of revocation upon finding cause that a Special Land Use approval may be in violation of conditions or standards under which it was approved.
  2. Upon finding just cause the Planning Commission shall hold a public hearing following the notification procedures for the original approval.
  3. After the public hearing the Planning Commission shall send a recommendation to the Township Board of whether to revoke or not to revoke the Special Land Use approval. The recommendation shall include all pertinent facts that have lead to the decision, including the applicable requirements of this Chapter, other applicable sections of this Ordinance and conditions of the Special Land Use approval.
  4. The Township Board shall then make the final determination of whether to revoke or not to revoke the Special Land Use approval based upon all applicable requirements and the facts presented.

### **SECTION 15.03 GENERAL STANDARDS**

In addition to the standards established for specific uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans in Section 16.08 hereof, and conditions, as authorized and governed in Section 15.03, B, may be placed upon a Special Land Use.

- A. Each application shall be reviewed for the purpose of determining that the proposed Special Land Use meets the following standards and, in addition, that each use of the proposed site will:
1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
  2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities.
  3. Not create excessive additional requirements at public cost for public facilities and services.



4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
  5. Be consistent with, and promote the intent of this Zoning Ordinance.
  6. Is compatible with adjacent uses of land, the natural environment, and capacities of public service and facilities affected by the land use.
  7. Is consistent with the public health, safety, and welfare of the Township.
  8. Is consistent with other applicable ordinances, and state and federal statutes.
- B. The Planning Commission may recommend or Township Board may stipulate any additional conditions and safeguards deemed necessary to accomplish the following purposes:
1. Meet the intent and purpose of the Zoning Ordinance.
  2. Relate to the standards established in the Zoning Ordinance for the land use or activity under consideration.
  3. Insure compliance with those standards.
  4. Protect the general welfare.
  5. Protect individual property rights.
  6. Ensure that the intent and objectives of this Zoning Ordinance will be observed.

Failure to comply with conditions approved by the Township Board may result in revocation of the Special Land Use approval, pursuant to Section 15.02(J).

#### **SECTION 15.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The general standards and requirements of Section 15.03, A, are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

##### **A. Adult uses.**

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or located in proximity to a residential zone, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other

neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.

2. Adult uses shall comply with the following requirements:
  - a. The use shall not be located within a one thousand (1,000) foot radius of any other adult use.
  - b. The use shall not be located within a three hundred (300) foot radius of any Residential District or Use, public park, school, child care facility, or place of religious worship, or other adult use.
  - c. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have any other similar qualifications which must be submitted to and approved by the Township Board. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
  - d. For the purpose of this subsection, the measurement of a radius shall be measured in a straight line from the actual location of the use to the nearest property line of the Residential District or use, public park, school, child care facility, or place of religious worship, or other adult use.
  - e. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Township Board, as provided herein.
  - f. A adult use shall not be located in the same structure or on the same parcel as another regulated use.
  - g. All on site parking areas shall comply with the requirements of this Ordinance and additionally shall be illuminated on any days the business is open from sunset until at least sixty (60) minutes after closing.
  - h. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
  - i. Any sign or signs proposed for an adult use must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
  - j. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting

the business, and using lettering which is at least two (2) inches in height, that states the following:

- (1) "Persons under the age of 18 years are not permitted to enter the premises."
- (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 adult use shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.

**B. Agricultural processing facilities**

1. The principal and accessory buildings for processing shall not be located within two-hundred (200) feet of any Residential District or use property line.
2. The proposed site shall front upon a paved County Primary or County Local street. All ingress and egress shall be from that thoroughfare.

**C. Assembly buildings including dance halls, auditoriums, and private clubs**

1. The proposed site shall front upon a paved County Primary or County Local street. All ingress and egress shall be from that thoroughfare.
2. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
3. Minimum lot area shall be one (1) acre.
4. Parking shall not be permitted within any required yard.
5. Outside activities shall take place at least fifty (50) feet from any Residential District or use.

**D. Bed and breakfast establishments.**

1. The establishment shall be serviced by approved water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a paved public road.
3. The uses shall only be established in a detached single family dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties.

5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
6. The total number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of nine (9) guest rooms.
7. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
8. The establishment shall contain the principal residence of the operator.
9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, bakeries, and other similar uses.
10. Meals may be served only to the operator's family, employees, and overnight guests.

**E. Building materials sales, including building trade contractors and related storage yards**

1. Minimum lot width shall be two hundred (200) feet.
2. The Township Board may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
4. All lighting shall be shielded from adjacent residential Districts or uses.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District.

**F. Cemeteries**

1. The proposed site shall front upon a paved public street.
2. All grave sites, buildings and structures shall be set back at least fifty (50) feet from any side or rear property line.

**G. Churches**

1. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).

2. The property location shall have at least one (1) property line that abuts and has access to a collector, major arterial, or minor arterial street.
3. A greenbelt shall be provided in accordance with Section 3.12 where, in the opinion of the Township Board, screening is required to minimize visual, noise, or other effects from the proposed development.
4. No building shall be closer than fifty (50) feet to any property or street line. Greater height is allowable past the height limitations of the zoning district provided there is an increased setback distance of one (1) foot for each increased one (1) foot of height.

**H. Commercial recreation including mini-golf, driving ranges, bowling lanes, theaters, indoor skating rinks, billiard parlors, or similar uses**

1. The proposed site shall front upon a paved County Primary, or County Local street. All ingress and egress shall be from that thoroughfare.
2. Public access to the site shall be located at least one hundred fifty (150) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
3. Any lot line abutting a Residential District shall provide a fifty (50) foot wide greenbelt in accordance with Section 3.12.
4. The main and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or permitted use.
5. Golf driving ranges shall be sufficient in size to retain balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the Township Board determines that it would be compatible with surrounding uses.

**I. Commercial removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources**

1. No soil, sand, gravel, or other earth material shall be removed from any land within the township without Special Land Use approval, with the following exceptions:
  - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township.
  - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects.
  - c. The earth removal involves less than one hundred (100) cubic yards.
  - d. The earth removal is for the purpose of construction of a swimming pool.

- e. The soil removal will not be in violation of any other section of this ordinance, other Township ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.
2. In addition to the materials required by this Chapter, the application for special land use approval shall include the following:
    - a. A written legal description of all of the lands proposed for the use.
    - b. Ten (10) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
      - (1) A north arrow, scale, and date.
      - (2) Shading indicating the extent of land area on which mineral removal operations and activities will take place.
      - (3) The location, width, and grade of all easements or rights-of-way on or abutting the lands.
      - (4) The location and nature of all structures on the lands.
      - (5) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.
      - (6) Existing elevations of the lands at intervals of not more than five (5) feet.
      - (7) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
      - (8) Mineral processing and storage areas.
      - (9) Proposed fencing, gates, parking areas, and signs.
      - (10) Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
        - (a) A map showing access routes between the subject lands and the nearest County Primary Arterial road.
        - (b) Areas to be used for ponding.
    - c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing

- methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- d. A site rehabilitation plan including the following:
    - (1) A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing.
    - (2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s).
    - (3) A description of the proposed methods or features which will ensure that the end-use(s) are feasible and can comply with all applicable requirements of this Ordinance.
  - e. The Township Board may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of the extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the Township Board and shall comply with all of the following requirements:
- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to an extent that will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if in phases. Topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are begun in another phase.
  - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - c. Grass, shrubs, trees, and other vegetation shall be planted to maximize erosion protection, screen less attractive areas, enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The Township Board may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any Residential District.

5. The Township Board shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Township Board to minimize dust, mud, and debris being carried onto the public street.
6. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. These measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in a condition or manner as to constitute a danger to children or others who may enter the removal areas.
8. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Township Board may require some lesser daily grading requirement if the applicant provides and maintains a substantial welded wire fence, or fence of equal material, of at least four (4) feet in height, located so that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
9. The Township Board may require compliance with any other conditions as may be necessary to ensure compliance with the terms of this subsection. These conditions may include, though need not be limited to, time limits, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
10. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Township of Oneida as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have any other terms and shall be in an amount recommended by the Township Board as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
  - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Township Board has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.



- b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Township Board need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

**J. Commercial storage warehouses**

1. Minimum lot area shall be three (3) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-1B District.
3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
8. All lighting shall be shielded from adjacent Residential Districts or uses.

**K. Drive-through restaurants and establishments, including banks, dry cleaners, pharmacies, and similar services with drive-through service**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have side and rear yard setbacks of at least ten (10) feet.

4. Public access to the site shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of that access.
  5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- L. Fairgrounds, riding stables, public or private campgrounds, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the principal use**
1. The use shall be located on property with direct access to a public street.
  2. Any outdoor activity areas shall be set back a minimum of one hundred (100) feet from any Residential District or use.
  3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
  4. Access driveways shall be located no less than one hundred and fifty (150) feet from the nearest part of the intersection of any street or any other driveway.
  5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.
  6. Public or private campgrounds shall comply with the following:
    - a. Direct vehicular access to a public street or road shall only be permitted for the main entrance to the campground site.
    - b. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
    - c. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. A convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet GFA.
    - d. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. The parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).

- e. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right-of-way or property line.
- f. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
- g. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Eaton County.
- h. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
- i. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

**M. Funeral homes and mortuary establishments**

- 1. Minimum lot area shall be one (1) acres with a minimum width of one hundred and fifty (150) feet.
- 2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
- 3. A caretaker's residence may be provided within the main building.
- 4. The proposed site shall front upon a paved County Primary or County Local street. All ingress and egress shall be from that thoroughfare.

**N. Greenhouses and nurseries**

- 1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- 2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
- 3. Lighting for outdoor storage areas and parking shall be shielded to prevent light from illuminating into any Residential District or use property line.

4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

**O. Group day care home; Commercial day care home**

1. Group day-care homes.

A group day-care home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a special land use permit if the group day-care home meets the following standards:

- a. Is located not closer than 1,500 feet to any of the following:
  - (1) Another licensed group day-care home.
  - (2) Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being section 400.701 to 400.737 of the Michigan Compiled Laws.
  - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
  - (4) A community correction center, resident home, halfway house, or other similar facility which houses and inmate population under the jurisdiction of the department of corrections.
- b. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township.
- c. Maintains the property consistent with the visible characteristics of the neighborhood.
- d. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.
- e. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
- f. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

2. Commercial Day Care

A commercial day-care shall be issued a special land use permit if it meets the following standards:

- a. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.
- b. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
- c. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
- d. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

**P. Hospitals, nursing homes, and housing for the elderly (not including institutions for the mentally retarded, drug or alcohol patients, or correctional facilities)**

1. Minimum lot size shall be five (5) acres.
2. The proposed site shall front upon a paved County Primary, or County Local street. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from that major thoroughfare.
3. Minimum main and accessory building setbacks from all property lines shall be one hundred (100) feet.
4. Ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fences of six (6) feet or more in height. Access to and from the ambulance and delivery area shall be directly from a county major or minor arterial street.
5. No more than twenty-five (25) percent of the gross site area shall be occupied by buildings, excluding parking structures.

**Q. Hotels and motels**

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a minimum twenty (20) feet setback in the side and rear yard setbacks.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**R. Intensive livestock operations**

1. Minimum lot area shall be forty (40) acres.

2. Shall comply with the state's Generally Accepted Agricultural and Management Practices (GAAMP's) established by the Michigan Commission of Agriculture, with authority granted from the Michigan Right to Farm Act, P.A. 93 of 1981.
3. No storm water runoff from the area of the site upon which the proposed operation is located shall be permitted to any adjacent property not under the control of the owner of the operation.

**S. Salvage and junk yards**

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a paved County Primary Road to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential or Agricultural District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least ten (10) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. The fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.

11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Drainage shall take place in a confined, hard surfaced area with adequate containment facilities to retain spillage. Salvaged batteries, oil and other similar substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum site size shall be six (6) acres.
14. All fences shall be setback a minimum of twenty (20) feet from any Residential District or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Township Board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

**T. Kennels, animal clinics, and veterinary hospitals**

1. The minimum lot area shall be one (1) acre for the first four (4) animals and an additional one-third (1/3) acre for each additional animal, except that no more than three (3) acres of total lot area shall be required. Animals counted toward this total shall include the total capacity for overnight boarding/keeping.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building.

**U. Medical offices including clinics**

1. The proposed site shall front upon a paved county Primary or County Local street.
2. Public access to the site shall be located at least one hundred fifty (150) feet from any intersection as measured from the nearest edge of that access.

**V. Municipal buildings and libraries**

1. The proposed site shall front upon a paved County Primary or County Local street. All ingress and egress shall be from that thoroughfare.
2. Buildings and structures shall be setback at least one hundred (100) feet from all property lines and street rights-of-way.

**W. Planned Unit Development (PUD)****1. Scope**

Traditional zoning with its rigid separation of uses into different zones under very restricted placement controls may be inappropriate to many medium and large scale developments. Planned developments, which modify the traditional forms of zoning, permit a developer to secure advantages which can be passed on to the general public by virtue of more desirable and more economical development. This subsection provides a controlled degree of flexibility in the placement of structures and lot sizes and types of residential uses, while maintaining adequate planning and development standards. The Planned Unit Development (PUD) provisions shall be applied as a Special Land Use in accordance with the following additional regulations.

**2. Objectives**

The objectives, principles, and standards are intended to guide the applicant in the preparation of the land use and development plan and they shall be used as the basis for the evaluation of the plan by the Township Board. The following objectives shall be considered in reviewing an application for PUD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range, planning and development of the PUD.

- a. To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- b. To encourage with regard to residential use the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- c. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- d. To provide more efficient and aesthetic use of open areas.
- e. To encourage innovation in the physical development pattern of the Township by providing a variety of housing arrangements with well designed access and circulation.

**3. Application Procedure**



- a. Preliminary sketch plan review: Before submitting an application for a PUD, the applicant shall submit ten (10) copies of a preliminary sketch plan and a written statement, as below.
- (1) Preliminary sketch plan requirements. The Preliminary Sketch Plan shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The preliminary sketch plan may be in general, schematic form and must contain the following, unless the Planning Commission determines that some of the required information is not reasonably necessary:
- (a) A legal description of the site, reflecting area size and boundary line dimensions. A current, properly notated surveyor's map may be acceptable.
  - (b) A list of existing and proposed land uses and their approximate location.
  - (c) The existing topographic character of the site.
  - (d) The character and approximate net residential density being proposed.
  - (e) Circulation patterns including arterial, collector, and pedestrian.
  - (f) The proposed public uses including schools, parks, open space, etc.
  - (g) Existing flood plains, bodies of water and other unbuildable areas.
- (2) Written Statement. The written statement to be included with the preliminary sketch plan must contain the following information:
- (a) An explanation of the character of the PUD, the manner in which it has been planned to take advantage of the PUD regulations, and the manner in which meets all of the Objectives of the PUD set forth in Section 15.04(W) (2)(a)-(e).
  - (b) A statement of ownership of all land within the proposed PUD.
  - (c) A general indication of the expected schedule of development.
  - (d) A general indication of the expected public interest to be served by the PUD and how the PUD conforms to the Township Master Plan.

- (e) The estimated population and bedroom distribution.
  - (f) An indication of any contemplated private deed restrictions or covenants.
  - (g) A description of how the PUD meets the standards of Section 15.03 A.
- (3) Upon receipt of a preliminary sketch plan and written statement for a PUD, the preliminary sketch plan shall be scheduled for a public hearing and review before the Planning Commission. Notice for the public hearing shall meet the requirements for a zoning amendment pursuant to MCL 125.286c(5). The Planning Commission shall review the preliminary sketch plan and make a recommendation to the Township Board.
- (4) Upon receiving the recommendation of the Planning Commission, the Township Board shall review the preliminary sketch plan and take one of the following actions:
- (a) Approval. The Township Board shall grant preliminary approval if it finds that the applicant has met its burden to produce sufficient documentary evidence that all of the following criteria are met. Approval confers upon the applicant the right to proceed to preparation of the Final Plan, but does not bind the Township to approve a Final Plan submitted thereafter:
    - (i) The proposal satisfies all objectives set forth in Section 15.04(W)(2)(a)-(e) of this Zoning Ordinance.
    - (ii) The proposal is consistent with the Township's Master Plan.
    - (iii) The proposal meets the standards set forth in Section 15.03 (A) of this Zoning Ordinance.
    - (iv) The proposal is compatible with existing and proposed development in the surrounding area.
    - (v) The proposal is consistent with the public health, safety and welfare of the Township.
    - (vi) The proposal minimizes any negative environmental impact on the subject site or surrounding area.
  - (b) Tabling. Upon finding that the preliminary sketch plan does not meet the criteria set forth above, but could meet the criteria if revised, the Township Board may table the

matter until a revised preliminary sketch plan is Submitted. The Township Board may refer a tabled preliminary sketch plan to the Planning Commission for additional review.

- (c) Denial. Upon finding that the preliminary sketch plan does not meet the criteria set forth above, the Township Board shall deny the preliminary sketch plan.

b. Final PUD

- (1) Within one (1) year from the date the Township Board mails a copy of its decision on the preliminary sketch plan to the applicant, the applicant shall submit a PUD final plan application, PUD final plan, and a petition for PUD rezoning to the Planning Commission on a form supplied by the Zoning Administrator. If a PUD final plan is not submitted by the applicant for final approval within one (1) year, then the preliminary sketch plan is null and void. An extension of the time by which to submit a PUD final plan may be granted by the Planning Commission upon good cause shown if the request is made to the Planning Commission before the one (1) year period. An application shall be submitted at least thirty (30) days prior to the date of first consideration by the Planning Commission and shall be accompanied by the following:
  - (a) An application fee as established by the Township Board.
  - (b) A final site plan as specified in Chapter 16. If the PUD is to be developed in phases, the final site plan may be prepared for one (1) or more phases. The final site plan review, including any public hearings, shall be performed prior to the development of each individual phase. All phases must be consistent with the PUD as depicted in the preliminary sketch plan.
  - (c) A development schedule indicating:
    - (i) Approximate date for commencement of construction.
    - (ii) Stages or phases in which the project will be built including the expected starting and completion dates of each phase.
    - (iii) Size and location of each area of common use for recreation or open space purposes which will be complete at each phase.
  - (d) Agreements, provisions, or other covenants which will govern use, maintenance, and continued protection of the PUD and any of its common use or open space areas.

- (e) A general grading plan reflecting the slope and drainage characteristics before and after development, with explanation of any potential impact on the environment, such as loss of natural resources, increased erosion and sedimentation potential, increased flood hazard or other impacts.
  - (f) An affidavit averring that the PUD shall not cause significant adverse effects upon nearby or adjacent lands.
- (2) Staff/Consultant Review. The Township shall submit the PUD final plan and supporting materials to the relevant Township staff, review agencies, and the Township Planner for review and comment.
- (3) Review and Approval of a PUD Final Plan. Upon receipt of a PUD final plan, the matter shall be treated as an application to amend this Ordinance, and shall be scheduled for a public hearing and review before the Planning Commission. Notice for the public hearing shall meet the requirements for a zoning amendment pursuant to MCL 125.286c(5). The Planning Commission shall review the final plan and make a recommendation to the Township Board.
- (4) Upon receiving the recommendation of the Planning Commission, the Township Board shall review the final plan and take one of the following actions:
- (a) Approval. The Township Board shall grant final approval if it finds that the applicant has met its burden to produce sufficient documentary evidence that all of the following criteria are met:
    - (i) The proposal satisfies all objectives set forth in Section 15.04(W)(2)(a)-(e) of this Zoning Ordinance.
    - (ii) The proposal is consistent with the Township's Master Plan.
    - (iii) The qualifying conditions and permitted uses for the PUD.
    - (iv) The site plan review standards of Section 16.
    - (v) The standards of Section 16.08(A).
    - (vi) The proposal meets the standards set forth in Section 15.03(A) of this Zoning Ordinance.

- (vii) The proposal is consistent with the public health, safety, and welfare of the Township.
  - (viii) The proposal minimizes any negative environmental impact on the subject site or surrounding area
- (b) Denial. Upon finding that the final plan does not meet the criteria set forth above, the Township Board shall deny the preliminary sketch plan.
- (5) The Township Board shall prepare a report stating its conclusions on the request for a PUD, the basis for its decision, the decision, and any conditions relating to an affirmative decision.
- (6) An approval shall not be considered final until the applicant submits a written acceptance of the approved PUD plan to the Township. No building permits may be issued until final approval is granted. After final approval, the following requirements shall be met, if applicable:
  - (a) Where the provisions of Act 288, Michigan Public Acts of 1967, as amended, (Land Division Act) shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to planning approval.
  - (b) The Township Board shall cause to have legal documents or contracts prepared which involve Oneida Township and are required as a result of the conditions contained in the final approval. All contracts shall be in recordable form and executed and recorded in the office of the Eaton County Register of Deeds. All costs for preparation or recording shall be paid by the applicant.
- (7) The Zoning Administrator shall inspect the development at each stage to insure reasonable compliance with the conditions of final approval, the final Site Plan and the approved schedule of improvements.

#### 4. Permitted Uses

- a. The following uses of land and structures may be permitted within a PUD.
  - (1) Single-family detached dwellings.
  - (2) Two-family dwellings, provided that the units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.

- (3) Multiple family dwellings, provided that the units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.
- (4) Golf courses, indoor tennis clubs, and athletic clubs, including ancillary commercial activities such as pro shops, restaurants (excluding drive-ins), and similar uses.
- (5) Any Permitted Use within the B-1 Local Business District, provided that:
  - (a) The total site of the PUD is at least eighty (80) contiguous acres, unless the Planning Commission determines that a lesser acreage is appropriate to achieve the intent and purpose of the PUD.
  - (b) The gross area designated for commercial use including parking, accessways, and yards or open space shall not exceed five percent (5%) of the gross site area of the PUD.
  - (c) All uses are integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
  - (d) Uses shall not materially alter the residential character of the neighborhood and/or the PUD.
  - (e) All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
  - (f) Buildings designed for nonresidential uses are constructed according to the following schedule:
    - (i) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
    - (ii) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
  - (g) No commercial uses shall be established without the construction and occupancy of at least twenty percent (20%) of the total number of planned residential dwelling units.
- (6) Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses as regulated by Section 3.08.

- b. Development Requirements
- (1) Density: The total permitted residential density shall be determined through the submission of a plan indicating the general design based on the requirements of the existing zone district. If located in more than one (1) district the density shall be made proportional to the development requirements of the area included in each district.
  - (2) Open Space: Any open space provided in the PUD shall meet the following considerations and requirements:
    - (a) Open space may be established to separate use areas within the PUD.
    - (b) Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, so that all properties within the entire PUD may utilize the available open space.
    - (c) Evidence shall be given that satisfactory arrangements will be made for the maintenance of the designated land to relieve the Township of the future maintenance thereof.
    - (d) Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
    - (e) All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
    - (f) All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
  - (3) The minimum lot and yard requirements within the PUD shall be established by the Planning Commission.
  - (4) Signs shall be as permitted in the most restrictive zone district in which the use requiring the sign is permitted, except as may be permitted otherwise by the Planning Commission as part of the PUD approval process.
  - (5) Parking requirements shall be as required in Chapter 17.

- (6) Utilities shall be installed underground, whenever reasonably possible.

5. Conditions of Approval

- a. As part of an approval to any PUD, the Planning Commission and Township Board may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- b. These conditions shall be related to and ensure that the review standards of this Chapter are met.
- c. The conditions imposed shall be included in the decision approving the PUD. The conditions shall remain unchanged unless an amendment to the PUD is approved in accordance with this Ordinance.

**X. Public utility and service buildings, not requiring outside storage or materials**

1. Any related buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any building shall comply with the yard setback and dimensional requirements of the District in which it is located.
3. Not more than thirty percent (30%) of the lot area may be covered by buildings.
4. Mechanical equipment shall be screened with fencing and/or landscaping from adjacent properties and roadways.

**Y. Retail food establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off premises, and other retail businesses such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings of ten thousand (10,000) square feet of gross floor area (GFA) or greater**

1. The main building with front parking shall be setback two-hundred-fifty (250) feet from any public right-of-way or property line.
2. The site shall have access to at least one (1) paved County Primary or County Local road.
3. The design of the retail establishment shall ensure that vehicular circulation patterns reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the retail establishment on adjacent streets.
4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.



**Z. Open air businesses**

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be two hundred (200) feet.
3. The Township Board may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
5. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
7. All lighting shall be shielded from adjacent residential areas.
8. In the case of a plant materials nursery:
  - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
  - b. All loading activities and parking areas shall be provided on the same premises (off-street).
  - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
9. No display area shall be located within the required front yard or less than twenty (20) feet from any side or rear property line.

**AA. Radio, television, or telephone transmission towers, including towers in excess of one hundred (100) feet in height for Commercial Wireless Telecommunication Services**

1. Antennas for Commercial Wireless Telecommunication Services shall be required to locate on any existing or approved tower within a two (2) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
  - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
    - c. Existing or approved towers and buildings within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
    - d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
3. Towers shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.
4. Any part of the structures or equipment placed on the ground pertaining to the tower shall comply with the following setbacks:
  - a. At a minimum, all towers shall be setback from adjacent property lines for a distance equal to or greater than the height of the tower.
  - b. In no event shall the Township Board approve any tower or any part of which (such as guy wire) located within two hundred (200) feet of any Residential District lot line even if the tower is less than 200 feet in height.
  - c. Non Residential Areas: Any associated part of a tower or associated equipment (such as guy wire) shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall the structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building.
  - d. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
5. The Township Board may require the structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
6. Towers shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.

7. Towers which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.

**BB. Restaurants, not including drive-through establishments**

1. The proposed site shall front upon a paved County Primary or County Local street.
2. Public access to the site shall be located at least one hundred fifty (150) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.

**CC. Roadside stands with two-hundred (200) square feet or more of sales area**

1. The Township Board may require a five (5) foot fence or wall to be constructed along the rear and sides of the area used for the use, capable of keeping trash, paper, and other debris from blowing off the premises.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
3. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

**DD. Sawmills**

1. The main and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**EE. State licensed residential care group facilities**

1. The facilities shall not be located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed group care facilities, not including state licensed residential facilities.

**FF. Theaters, or similar places of public assembly, as determined by the Zoning Administrator**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use.

3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

**GG. Tool and die metal working shop**

1. The main and accessory buildings and structures shall not be located within two hundred (200) feet of any Residential district or use property line.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**HH. Truck and freight terminals**

1. Minimum lot size shall be three (3) acres.
2. The lot location shall have at least one (1) property line that abuts a paved County Primary street. The ingress and egress for all vehicles shall be directly from that thoroughfare.
3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
5. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**II. Two family and multiple family dwellings**

1. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway for any other main building.
3. Buildings shall not be constructed nearer to any other building than a distance equal to one and one-half (1½) times the height of the taller building.
4. Outdoor lighting for parking or activity areas shall be shielded to prevent light from spilling onto any adjacent property.

**JJ. Vehicle service stations**

1. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
2. No more than one (1) curb opening shall be permitted for every one hundred (100) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and two (2) for any other street.
3. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Township Board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
4. A raised concrete curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
5. All areas of the site not paved or occupied by buildings or structures shall be landscaped.
6. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than forty (40) feet from any lot line, and shall be arranged so that vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
7. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles shall not exceed a maximum of three (3) vehicles.
9. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Township Board. If the use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Township Board.
10. The lot shall be located so that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
11. All exterior lighting, including signs, shall be shielded to prevent the glare of lights from view by adjacent property.

12. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
13. At least one (1) property line shall be on a collector or arterial roadway.

**KK. Vehicle wash establishments**

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted in any required yard.
3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

**LL. Open Space Development (OSD)**

1. DESCRIPTION, PURPOSE, AND PROCESSING
  - a. The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD. These provisions have been prepared and implemented in response to Act 177 of the Michigan Public Acts of 2002, as amended.
  - b. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.
2. QUALIFYING CONDITIONS
  - a. The tract of land for which a OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
  - b. The property which is the subject of an OSD application must be a minimum of forty (40) contiguous acres in total area and may be located within a R1-A Residential or Agricultural District. The Planning Commission and Township Board may consider a lesser development size if the proposed project substantially forwards the intent of the Open Space Development regulations. A lesser development size may be considered when one or more of the following factors or conditions exist:
    - (1) A lesser size would prove beneficial to the preservation of land actively used for agricultural purposes.

- (2) A lesser size would be more compatible with surrounding development.
  - (3) A lesser size would be in the best interests of the Township, as determined by the Planning Commission and Township Board.
- c. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but will be preserved as a result of the OSD.
- d. All roads shall be public and must meet the standards of the Eaton County Road Commission and all other applicable governmental agencies.
- e. Except for the occupants of the residential parcels contained within the OSD, open space shall not be used for the movement, access, or funneling of non-OSD residents.
- f. The proposed OSD is not dependent upon extension of public water or sewer, unless development of the subject land without the exercise of the OSD option would also depend on such an extension.

### 3. REVIEW PROCEDURES

#### a. Sketch Plan Approval

- (1) To be considered as a OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Section.
- (2) Applications for sketch plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
- (3) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - (a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
  - (b) Parallel plan (e.g. site plan depicting site development based on a conventional, non-clustered, site design) used to determine base density that meets the standards of Section 15.04 LL.5. The parallel plan shall include the location and extent (size) of non-buildable areas such as wetlands, steep topography, easements, and other areas

which are not suitable for the placement of home sites under conventional, non-clustered, development.

- (c) Written documentation that the proposal meets the standards of Section 15.04 LL.6.
  - (d) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
  - (e) Arrangement and area calculations for open space, including upland and wetland open space areas.
  - (f) A completed application form, supplied by the Zoning Administrator, and an application fee.
  - (g) Ten (10) copies of a sketch plan meeting the requirements of Section 16.03, Site Development Requirements, of this Ordinance.
- (4) The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance, including the requirements and standards of Section 15.04 LL.6, Section 15.04.LL.1., Open Space Development Regulations, and Section 16.08, Review Standards, and deny, approve, or approve with conditions, the sketch plan.

b. Final Site Plan Approval

- (1) After receiving approval of a sketch plan from the Planning Commission, the applicant shall within six (6) months submit a final site plan to the Planning Commission.
- (2) The final site plan may be for either the entire project or for one (1) or more phases.
- (3) Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
- (4) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - (a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.



- (b) Written documentation that the proposal meets the standards of Section 15.04 LL.6.
  - (c) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
  - (d) Arrangement and area calculations for open space, including upland and wetland open space areas.
  - (e) A completed application form, supplied by the Zoning Administrator, and an application fee.
  - (f) Ten (10) copies of a final site plan meeting the requirements of Section 15.04 LL.1., Open Space Development Regulations, and Section 16.03, Site Development Regulations, of this Ordinance. The final site plan shall incorporate all requirements and conditions as required by the Planning Commission.
- (5) Failure to submit a final site plan for approval within the six (6) month period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
  - (6) The Planning Commission shall conduct a public hearing prior to considering the proposed final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Township Zoning Act for Special Land Uses.
  - (7) The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the final site plan for the OSD. The Township Board shall review the final plan in accordance with the requirements of this Ordinance and the recommendation of the Planning Commission and deny, approve, or approve with conditions, the OSD. Further, in approving or approving with conditions the OSD, the Township Board shall have ultimate authority regarding the location of open space and buildable locations. Additionally, the Township Board may require the amount of open space to be greater than fifty percent (50%), following review and recommendation of the Planning Commission.
  - (8) Major changes in the final site plan shall be submitted to the Township pursuant to the above procedures applicable to the original application.

#### 4. PERMITTED USES

The following uses may be permitted, either singly or in combination, in accordance with the applicable OSD requirements:

- a. Uses permitted by the underlying zone district.

5. SITE DEVELOPMENT REQUIREMENTS

- a. The minimum lot area shall be determined by the Planning Commission. Building setbacks and other area requirements shall be as provided by the underlying zoning district. Minimum floor area and height regulations for dwelling units shall conform to the underlying zoning district requirements.

- b. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 15.04 LL.5.d.

- c. Development Density

- (1) Parallel Plan: The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

- (a) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.

- (b) All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.

- (c) Areas of wetlands, water bodies, natural slopes exceeding fifteen percent (15%), roads, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.

- (2) Density Bonus: In order to recognize the benefits of connecting to public sanitary sewer and public water facilities, as they become available, an OSD may permit an increase in the number of dwelling units above the base density established in the parallel plan, provided the site is served by a public sanitary sewer system and public water system. A fifty percent (50%) density bonus shall be permitted with the provision of these utilities. In achieving the density bonus, parcels may be reduced in size to not less than 0.5

acres (21,780 square feet) and the minimum lot width may be reduced in size to not less than one hundred twenty five (125) feet. Building setbacks and other area requirements shall be as provided by the underlying zone district, thirty (30) feet for the A-1 District. Minimum floor area and height regulations for dwelling units shall conform to the underlying zone district requirements.

d. Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:

- (1) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.
- (2) The OSD shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have minimum dimensions of fifty (50) feet on all sides.
- (3) Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
- (4) Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
- (5) At least 50% of the land area must remain perpetually in an undeveloped state by means of a conservation easement or other similar permanent restriction to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
- (6) All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- (7) Wetlands regulated by the State of Michigan shall not be considered open space.

e. Development Setback

- (1) Any building area, which for the purposes of this Subsection shall mean any lot on which a main use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the OSD.

- (2) No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
  - (3) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:
    - (a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
    - (b) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
    - (c) Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
  - (4) The two hundred (200) feet vegetation strip may be included as part of the open space calculation.
- f. Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission and Township Board in evaluating proposed Open Space Developments.
- (1) Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
  - (2) Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than eight (8) to ten (10) units per cluster.
  - (3) The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.

- (4) Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. These areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. These areas may, however, incorporate trails or other internal pedestrian circulation paths.
- (5) The overall design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

## 6. REVIEW STANDARDS

The following review standards shall be used by the Planning Commission and Township Board in their consideration of an OSD. Before such developments may be approved the Township Board shall find:

- a. That the OSD meets the stated purposes of Section 15.04.LL.1; and the requirements of Section 15.04, LL.2; Section 15.04, L.5(d); and Section 15.04, LL.5(f)(1)-(5).
- b. That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
- c. That the location of the buildings of the OSD do not unduly impact other single family uses in the vicinity of the proposed development.
- d. That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
- e. That the OSD will be developed per the conditions or requirements of this Zoning Ordinance, other applicable ordinances, laws, codes, or rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules regarding suitability for soils for on-site sewage disposal for land not served by public sewers, and that the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
  - (1) To evaluate this review standard, the Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.

- (2) The additional information may also include the following provisions related to the objective of groundwater protection.
- (a) The Planning Commission and/or Township Board may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the Eaton County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
  - (b) The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other evidence which will be submitted by the applicant and reviewed by the township prior to approval of the OSD.
  - (c) The additional studies may be required by the Planning Commission and/or Township Board where one (1) or more of the following conditions are present:
    - (i) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the OSD is to be placed, or on lots or parcels within a one (1) mile radius of the OSD site.
    - (ii) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the OSD site.
    - (iii) Existing licensed landfills (active or inactive) within a three (3) mile radius of the OSD site.
    - (iv) Industrially used or zoned sites within a one (1) mile radius of the OSD site.
    - (v) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the OSD site.
    - (vi) Any other condition which in the view of the Planning Commission and/or Township Board may require additional information regarding protection of groundwater.

**MM. Gun clubs**

1. Minimum lot size of forty (40) acres shall be required.
2. Hours of operation shall be from 9:00 a.m. to sundown.
3. The use shall be located on property with direct access to a public road.
4. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district. In the case of shooting ranges, a minimum setback of two hundred fifty (250) feet from all property lines shall be established.
5. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
7. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special features must be submitted.
8. All existing and proposed buildings shall be shown.
9. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.
10. The rifle and pistol ranges shall not be located any closer than one-quarter (1/4) mile from any church, school, or residential use. Further, such ranges shall have adequate backstops.

---

## CHAPTER 16 Site Plan Review

### SECTION 16.01      PURPOSE

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

### SECTION 16.02      SITE PLANS REVIEWED

In accordance with the provisions of this Chapter, the Planning Commission shall be furnished with a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:

A.      All uses permitted in the following districts:

- R-M1    High Density Residential District
- B-1     Local Business District
- B-2     General Business District
- M-1     Light Industrial District
- R-4     Manufactured Home Park

B.      Special Land Uses in all Zoning Districts.

C.      Site condominiums in any district.

### SECTION 16.03      SITE PLAN REVIEW REQUIREMENTS

A.      Preliminary Site Plan Review.

1.      If desired by the applicant, ten (10) copies of a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
2.      Preliminary site plan submittal shall include the following, unless deemed unnecessary by the Zoning Administrator.
  - a.      A completed application form.
  - b.      Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area, including the zoning of surrounding property.



- c. Ten (10) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:
    - (1) Existing adjacent streets and proposed streets.
    - (2) Property lines and approximate dimensions.
    - (3) Parking lots and access points.
    - (4) Proposed buffer strips or screening.
    - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
    - (6) Location of any signs not attached to the building(s).
    - (7) Existing and proposed uses, buildings and structures.
    - (8) General topographical features including contour intervals no greater than five (5) feet.
    - (9) All buildings and driveways within one hundred (100) feet of all property lines.
    - (10) Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared.
  - d. A narrative (shown on the site plan or submitted separately) describing in general terms:
    - (1) The overall objectives of the proposed development.
    - (2) Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.
    - (3) Dwelling unit densities by type, if applicable.
    - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
    - (5) Proposed method of providing storm drainage.
3. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

**B. Final Site Plan Review**

1. Whenever required under this Zoning Ordinance, an applicant must submit ten (10) copies of a final site plan to the Planning Commission. The applicant may submit the final site plan without first receiving approval of a preliminary site plan.
2. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the Planning Commission:
  - a. A completed application form.
  - b. Ten (10) copies of a site plan at a scale not less than 1"=20' for property under three (3) acres and at least 1"=100' for those three (3) acres or more. The following items shall be shown on the plan:
    - (1) The date, north arrow, and scale.
    - (2) The seal, name, and firm address of the professional individual responsible for the preparation of the site plan.
    - (3) The name and address of the property owner or petitioner.
    - (4) A location sketch.
    - (5) Legal description of the subject property.
    - (6) The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.
    - (7) Property lines and required setbacks shown and dimensioned.
    - (8) The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.
    - (9) The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
    - (10) The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.
    - (11) The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.

- (12) The existing zoning and use of all properties abutting the subject property.
- (13) The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
- (14) Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
- (15) The location and size of all surface water drainage facilities.
- (16) Existing and proposed topographic contours at a minimum of two (2) foot intervals.
- (17) Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.
- (18) Exterior lighting showing area of illumination and indicating the type of fixture to be used.
- (19) Elevation drawings of proposed buildings.

C. Traffic Impact Assessment, Traffic Impact Study: The Planning Commission may require an applicant to submit (and pay for) either a Traffic Impact Assessment or Traffic Impact Study as part of any final site plan review process. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below.

1. Traffic Impact Assessment: A Traffic Impact Assessment shall be required for projects expected to generate either between fifty (50) to ninety nine (99) direction trips during peak hour traffic or five hundred (500) to seven hundred and fifty (750) directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall support and describe proposed access design and other mitigation measures that will positively affect traffic operations at these points.
2. Traffic Impact Study: A Traffic Impact Study shall be required for projects expected to generate either one hundred (100) or more directional trips in the peak hour or over seven hundred and fifty (750) trips on an average day. The impact study shall evaluate current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The impact study must also describe and support proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The impact study shall evaluate pedestrian access, circulation and safety. The Traffic Impact Study must take into account the Master Plan in analyzing future traffic developments.

**SECTION 16.04 APPLICATION AND REVIEW**

- A. Site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator, by the petitioner or his designated agent, at least thirty (30) days prior to the next regular Planning Commission meeting. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. Notice of a public information meeting for the Final Site Plan Review shall be given in accordance with the following requirements:
1. A written notice of the public information meeting shall be sent by mail or personal delivery to the owners of property for which approval is being considered and to all persons to whom real property is assessed within three-hundred (300) feet of the boundary of the property in question.
  2. The notice shall be given at least ten (10) days before the application will be considered.
  3. The notice shall describe the nature of the site plan review request, state when and where the site plan review request will be considered, and indicate where and when written comments will be received concerning the request.
- C. The Planning Commission shall review the application and all other information available to it through the meeting or other sources, including recommendations or reports from the Township planner, engineer, or other expert, with reference to the standards and findings required herein, and shall issue a written recommendation to the Township Board for either approval, approval with conditions, or denial of the request. The Planning Commission shall incorporate into its written recommendation a statement of the basis for its recommendation and any conditions it recommends, in accordance with the provisions of this Chapter and the purpose of this Ordinance.
- D. Thereafter, the Township Board shall review and consider the Planning Commission's recommendation on the final Site Plan Review request at a public meeting after the Planning Commission issues its recommendation. The Township Board shall issue a decision on the Site Plan Review request, by either approving, approving with conditions, or denying the request, notwithstanding the Planning Commission's recommendation. The Township Board's decision must be incorporated into a statement containing any conditions imposed, all of which shall be made part of the record of the meeting at which action is taken.
- E. Three (3) copies of the final approved site plan shall be signed and dated by the Township Clerk and the applicant. One (1) of these approved copies shall be kept on file by the Township Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or his designated representative.
- F. Each development shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.

1. The Township Board may grant one (1) one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
3. If neither of the above provisions are fulfilled or the one (1) year extension has expired prior to construction, the site plan approval shall be null and void.

#### **SECTION 16.05 PLAT REQUIREMENTS**

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

#### **SECTION 16.06 ADMINISTRATIVE AND ESCROW FEES**

- A. Any site plan application shall be accompanied by a fee, in an amount to be established by the Township Board. The application fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Chapter and the processing of the application. No part of this fee shall be returnable.
- B. A separate fee may be collected from the applicant, as determined by the Township Board, and used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. Any unused portions of this fee shall be returned to the applicant after all costs have been received by the Township.

#### **SECTION 16.07 CHANGES IN THE APPROVED SITE PLAN**

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  1. Change in the building size, up to five percent (5%) in total floor area.
  2. Movement of buildings or other structures by no more than ten (10) feet.
  3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  4. Changes in building materials to a comparable or higher quality.
  5. Changes in floor plans which do not alter the character of the use.

6. Changes required or requested by the Township, the Eaton County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

## **SECTION 16.08 REVIEW STANDARDS**

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

### **A. Site Development Standards**

1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
3. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
4. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
5. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
6. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before final site plan approval or an occupancy permit is granted.

7. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
8. The general purposes and spirit of this Ordinance and the Master Plan of Oneida Township shall be maintained.

**B. Vehicular and Pedestrian Standards**

1. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Oneida Township.
3. All streets and driveways shall be developed in accordance with the Township Subdivision Control Ordinance, the Eaton County Road Commission, or Michigan Department of Transportation specifications, as appropriate. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
4. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.

**C. Environmental and Natural Features Standards**

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required.

Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

#### **SECTION 16.09 SITE PLAN APPROVALS**

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

#### **SECTION 16.10 APPEAL**

If any person shall be aggrieved by the action of the Zoning Administrator or Township Board, relative to a decision concerning a final site plan, the aggrieved person may appeal in writing to the Zoning Board of Appeals. The appeal must be filed with the Township Clerk within five (5) days after the date on which the decision complained of was made. The Zoning Board of Appeals shall fix a time and place for a public hearing and notice thereof must be published in a newspaper in general circulation in the Township prior to the hearing in accordance with relevant laws. All interested parties shall be afforded reasonable opportunity to be heard. After such hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Zoning Administrator or Township Board, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.



## CHAPTER 17

### Parking Requirements

#### SECTION 17.01 SCOPE

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

#### SECTION 17.02 LOCATION OF PARKING

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

- A. Single and Two Family Dwellings. The off-street parking facilities required for single and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. Multiple-Family Dwellings. The off-street parking facilities for multiple family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this Chapter. In no event shall any uncovered parking space for any multiple family dwelling be located within ten (10) feet to any main building.
- C. Manufactured Home Parks. The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements.
- D. Other Land Uses. The off-street parking required may be located on each site or in parking lots within three hundred (300) feet of a readily accessible entrance.

#### SECTION 17.03 PARKING LOT REQUIREMENTS

- A. All parking facilities, access driveways, and commercial storage areas (excluding those for single and two family dwellings outside manufactured home parks) shall be hard surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon the area, and shall be completely constructed prior to a Certificate of Occupancy being issued.
- B. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.
- C. Illumination

1. All illumination for parking lots, whether building mounted or pole mounted shall be cutoff fixtures as defined by the Illuminating Engineering Society of North America and shall be shielded as appropriate to deflect light away from adjacent residential areas and roadways.
  2. Lighting intensity shall be reduced during non-business hours.
  3. The source of illumination in all parking lots abutting a Residential District or use shall not be higher than fifteen (15) feet above the parking lot surface.
  4. At no point shall illumination levels exceed five (5) foot candles on the parking lot service. The uniformity ratio on the parking lot surface shall be no greater than 5:1. In complying with these requirements the maximum light loss factor that may be used is 0.72.
- D. When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective side or rear yard in which the parking is located shall contain a minimum setback of twenty (20) feet excluding any parking or drives, unless a greater setback is required by any other provision of this Ordinance.
- E. Required nonresidential parking lots abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence or wall, or a landscaped equivalent at least four (4) feet in height.
- F. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Access drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways. Each entrance and exit shall be at least twenty five (25) feet from any adjacent residential district or use.

- G. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines. Wheel stops shall be securely anchored into the parking lot to ensure that they remain stationary.
- H. Plans for the layout of off-street parking facilities shall be in accordance with the Parking Space Dimensions of this Section.

Parking Pattern	Aisle Width		Parking Space		Total Width <sup>3</sup>	
	2 Way	1 Way	Width <sup>1</sup>	Length <sup>2</sup>	1 Way	2 Way
Parallel	18 ft.	12 ft.	9 ft.	25 ft.	30 ft.	36 ft.
30-75%	24 ft.	12 ft.	9 ft.	21 ft.	48 ft.	60 ft.
76-90%	24 ft.	15 ft.	9 ft.	18 ft.	55 ft.	60 ft.

1 Measured perpendicular to the longitudinal space centerline.  
 2 Measured along the longitudinal space centerline.  
 3 Total width of two tiers of parking spaces plus maneuvering lane

**Parking Space Dimensions**

**SECTION 17.04 PARKING LOT PLANS**

- A. The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and construction shall be completed and approved by the

Zoning Administrator before actual use of the property as a parking lot and before a Certificate of Occupancy is issued.

- B. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage, pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in that work and shall conform to the provisions of this Chapter.

#### **SECTION 17.05      PARKING RESTRICTIONS**

- A. In any District, it shall be unlawful to use required off-street parking areas for the storage or parking of vehicles in excess of twenty four (24) hours, except as may be permitted for a commercial use.
- B. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of the property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying a vehicle for sale, except in approved and licensed car sales lots.
- C. After the effective date of this Ordinance it shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking of trucks (over one (1) ton), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar equipment or machinery used for commercial purposes on an overnight bases. Provided however, that the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm. In addition, equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be exempted from this restriction.
- D. No vehicle storage, or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.
- E. No commercial repair work, servicing, or selling of any kind shall be conducted on any parking area. Required parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

#### **SECTION 17.06      OFF-STREET PARKING REQUIREMENTS**

- A. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- B. Upon application, the Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:

1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
- C. The joint use of parking facilities by two (2) or more uses is recommended and may be granted by the Zoning Administrator whenever the use is practical and satisfactory to each of the uses intended to be served and when all requirements for location, design and construction can be satisfied.
1. **Computing Capacities:** In computing capacities for any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of the off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
  2. **Record of Agreement:** A copy of an agreement between joint users shall be filled with the application for a building permit and recorded with the Register of Deeds of Eaton County. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.
  3. The Zoning Administrator shall be immediately notified of any changes to the agreement, including notification of new owners of the properties involved.
- D. **Maximum Parking Requirement**
1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Off-Street Parking Requirements of Section 17.06.E., except as may be approved by the Planning Commission.
  2. The Planning Commission, upon application may grant additional spaces beyond those permitted in (1), above. In granting the additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on documented evidence of use and demand provided by the applicant.
- E. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Residential</b>	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit, plus 1 additional space for each 2 units
<b>Institutional</b>	
Group day care homes and group foster care homes	1 space for each 4 clients
Churches, theaters, assembly areas, auditoriums, gymnasiums	The greater of 1 space for each 4 seats or each 8 feet of pew length <u>or</u> 1 space for each 8 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Schools, elementary and middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	1 space for each 8 students, plus 1½ spaces for each classroom, plus amount required for auditorium or gymnasium seating
Libraries, museums, post offices	1 space for every 800 square feet of floor area plus 1 space for every 4 employees.
Hospitals	One space for each 4 beds plus 1 space for every 4 employees.
<b>Commercial</b>	
Vehicle wash establishments (self service or automatic)	1 space for each 5 stalls
Beauty/barber shop	3 spaces for each chair
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	The greater of 1 space for each 100 square feet UFA <u>or</u> 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants with drive-through facilities	The greater of 1 space for each 100 square feet of UFA <u>or</u> 1 space for each 1½ persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Vehicle service stations	1 space for each service stall, plus 1 space for each pump island
Personal service establishments not otherwise specified	1 space for each 50 square feet UFA
Furniture, appliance and household goods retail sales	1 space for each 1,000 square feet UFA
Funeral homes and mortuary establishments	1 space for each 50 square feet UFA

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Open air businesses	1 space for each 200 square feet of indoor UFA plus 1 space for each 1,000 square feet of outdoor display area
Retail stores not otherwise specified	1 space for each 200 square feet UFA
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses
Private golf clubs, swimming clubs, tennis clubs or other similar uses	1 space for every 2 member families or individuals.
Public Golf Course	4 spaces for each golf hole plus 1 space for each employee.
Dance halls, pool and billiard rooms, exhibition halls, roller rinks	1 space for each 100 square feet of floor area used for dancing or other assembly.
Video rental stores	1 space for each 100 square feet UFA
<b>Offices</b>	
Banks, credit unions, savings and loan associations and other similar uses	1 space for each 150 square feet UFA plus 4 spaces for each non-drive through automatic teller machine
Offices not otherwise specified	1 space for each 300 square feet UFA
Medical and dental offices and clinics	1 space for each 75 square feet of waiting room area plus 1 space for each examining room, dental chair, or similar use area
<b>Industrial</b>	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	1 space for each 1,000 square feet GFA plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	1 space for each 2,000 square feet GFA plus those spaces required for offices located on the premises

### SECTION 17.07 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. Loading spaces for non-residential uses in Residential Districts shall not be facing or visible from the street.
- C. In Nonresidential Districts, loading spaces shall only be permitted off-street and in the rear yard or interior side yard.

- D. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.
- E. All loading spaces for semi deliveries shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area and shall have a minimum fourteen (14) foot clearance height. All other loading spaces shall be a minimum of twelve (12) feet in width, twenty five (25) feet in length and provide a minimum of fourteen (14) feet in clearance height.
- F. Loading Spaces shall be provided in accordance with the following schedule:

GFA (sq. ft.)	Loading and Unloading Spaces Required by Square Footage
0 - 2,000	none
2,000 - 20,000	1 space
20,000 - 100,000	1 space plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 500,000	5 spaces plus 1 for each 40,000 sq. ft. in excess of 100,000 sq. ft.

- G. Loading Area Deferment:
1. Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive a parking lot plan can be approved designating portions of required loading spaces and paving reserved for future use. Likewise, a loading deferment may be imposed upon a finding that the standard loading requirements would be initially excessive.
  2. The approval shall include conditions under which the reserved loading areas must be provided.
  3. Alterations to the deferred loading area to add loading spaces may be initiated by the owner or required by the Zoning Administrator, based on loading needs, and shall require the submission and approval of an amended site plan.
  4. The Zoning Administrator may require construction of additional loading within the deferred loading area if a change of use occurs for the building or property for which the deferred loading was approved.
- H. All illumination for loading areas shall be cutoff fixtures as defined by the Illuminating Engineering Society of North America and shall be shielded as appropriate to deflect light away from adjacent residential areas and roadways. Lighting shall also meet the requirements of Section 17.03.

## **CHAPTER 18**

### **Zoning Board of Appeals**

#### **SECTION 18.01 AUTHORIZATION**

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Zoning Board of Appeals.

#### **SECTION 18.02 MEMBERSHIP - TERMS OF OFFICE**

- A. The Zoning Board of Appeals shall consist of five (5) members. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission; the second member shall be a member of the Township Board; the three additional members shall be selected from the electors of the Township residing outside of incorporated cities and villages. The Township Planning Commission member and the Township Board member shall be appointed by the Township Board. The three additional members shall not be elected officers of the Township or employees or contractors of the Township Board. The three additional members shall be appointed for three (3) year terms; the Planning Commission and Township Board member who shall not be the same member, shall only serve while holding membership on those respective bodies.
- B. The Township Board may appoint up to two (2) alternate members with the same qualifications as regular members for the same terms as the regular members. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made and shall have the same voting rights as a regular member.

#### **SECTION 18.03 PROCEDURAL MATTERS AND VOTE REQUIREMENTS**

The ZBA is hereby authorized and empowered to establish its own rules of procedure and to elect its own officers subject to the provision that In establishing rules of procedure and election of officers, a majority of those in attendance and constituting a quorum shall be required.

#### **SECTION 18.04 DUTIES AND POWERS**

The Zoning Board of Appeals shall have the following specified duties and powers:

- A. Appeals. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Township in the administration of this Ordinance.



- B. Interpretation. The Zoning Board of Appeals shall have the power to:
1. Hear and decide upon request for the interpretation of the provisions of this Ordinance.
  2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator.
  3. Hear and decide questions that arise in the administration of this Ordinance, including the interpretation of zoning maps.
- C. Variances. The Zoning Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance in accordance with Section 18.08 of this Ordinance.
- D. Other matters. The Zoning Board of Appeals shall have the power to and must hear and decide matters referred to it or upon which it is required to pass under this Zoning Ordinance.

#### **SECTION 18.05 MEETINGS**

- A. Meetings shall be open to the public, and shall be held at the call of the Chairman and at other times as the Zoning Board of Appeals shall specify in its rules of procedure.
- B. Records shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the votes of members and the final disposition of each case. Minutes shall be filed in the office of the Township Clerk, and shall be made available to the general public.

#### **SECTION 18.06 PROCEDURES**

- A. General Regulations for the Zoning Board of Appeals.
1. Officers. The Zoning Board of Appeals shall, at its organizational meeting, and on each first meeting of the year thereafter elect a chairman, a vice-chairman and a secretary.
  2. Rules. The Zoning Board of Appeals must adopt rules and regulations to govern its procedures.
  3. Votes. A concurring vote of a majority of the members of the Zoning Board of Appeals is necessary for any decision, or to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which it is required to pass under this Ordinance; to effect any variance pursuant to this Ordinance ; or resolve any appeal. The Zoning Board of Appeals shall not conduct business unless a majority of its members is present.
  4. Representation. Any person may appear on his or her behalf at a hearing, or be represented by an agent or attorney.

5. Meetings. Minutes of every meeting shall be kept, and the Zoning Board of Appeals must record into the minutes all findings, conditions of approval, facts, or other relevant factors, and all its official actions and reasons therefore. All meetings and records shall be open to the public.
- B. Appeals, Questions, Interpretations & Variances - Procedures.
1. Appeals and administrative official interpretations must be filed within 5 days after the decision in question. Variance requests or other matters may be filed at any time. Appeals must be filed with the Secretary of the Zoning Board of Appeals, and shall specify each and every ground for the appeal therein. An appellant must submit the following with the appeal, although the Zoning Board of Appeals reserves the right to require the appellant to submit additional information or detail deemed necessary to make a sound decision:
    - a. An application for decision from the Zoning Board of Appeals, on a form provided by the Township.
    - b. The required fee, as established by the Township Board. The fee must be paid to the Zoning Board of Appeals Secretary at the time of the filing.
    - c. A scaled drawing, where applicable, with sufficient detail to indicate the nature and necessity of the request.
    - d. A clear and concise description of the order, requirement, decision, or determination that is being brought to the ZBA, and the grounds for it.
  2. Upon receipt of an appeal, question, variance application, or other matter submitted for decision from the Zoning Board of Appeals, the Secretary of the Zoning Board of Appeals must then transmit a copy and related information to the Zoning Administrator and each member of the Zoning Board of Appeals within three business days of the date the appeal is filed. The Zoning Administrator must immediately transmit to the Zoning Board of Appeals a copy of all papers constituting the record upon which the action appealed from was taken.
  3. An appeal stays all proceedings in furtherance of the action appeals from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of the appeal has been filed that, based on the facts stated in the certificate, a stay would in the Zoning Administrator's opinion cause imminent peril to life or property. In the case of the determination that a stay would cause imminent peril to life or property, proceedings must not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or the Circuit Court, on application, on notice to the Zoning Administrator and on due cause shown.
- C. Public Hearings.
1. The Zoning Board of Appeals shall hold a public hearing on each application, questions, appeal, variance request, or other matter submitted to it for decision.

**D. Decisions.**

1. The Zoning Board of Appeals must return a decision on each matter submitted to it for decision within a reasonable time after the scheduled hearing has been held, unless an extension of time is agreed upon between the appellant and the Zoning Board of Appeals.
2. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or modify an order, requirement, decision, or determination as in its opinion ought to be made, and to that end shall have all powers of the office or body from whom the appeal was taken and may issue or direct the issuance of a permit.
3. The Zoning Board of Appeals may impose conditions with an affirmative decision.
4. The Zoning Board of Appeals must state the grounds of each determination in rendering any decision on a matter presented to it, by stating its conclusion, the basis therefore, and any condition imposed.
5. A decision of the Zoning Board of Appeals is final; however, any person having an interest affected by any decision rendered may appeal to the circuit court.
6. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by the decision has been started within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or building.
7. No appeal, question, application, variance request, or other matter submitted to the Zoning Board of Appeals for decision that has been denied wholly or in part by the Zoning Board of Appeals may be resubmitted until expiration of one year from the date of the last denial, except on ground of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Zoning Board of Appeals.

**SECTION 18.07 REVIEW STANDARDS FOR VARIANCES****A. General Authority.**

1. The Zoning Board of Appeals has the authority to effect any variation of this Zoning Ordinance in specific cases, subject to the requirements herein. To this end, the Zoning Board of Appeals may grant a variance which is not contrary to the public interest where, owing to special circumstances, a literal enforcement of this Zoning Ordinance would result in unnecessary hardship or practical difficulties.

**B. Procedures.**

1. An application for a variance must be filed by the record owner of the subject property in question, or an agent possessing written authorization to do so on the owner's behalf, with the Township Clerk. The applicant must submit the following

information to make the variance application complete and subject to further review:

- a. An application for a variance, on a form provided by the Township.
- b. The required fee, as established by the Township Board. The fee must be paid to the Township Clerk at the time of the filing.
- c. A scaled drawing, where applicable, with sufficient detail to indicate the nature and necessity of the request.
- d. A clear and concise description of the variance requested and the grounds supporting the request

C. Non-Use Variance: A non-use or dimensional variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:

1. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.
2. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for the conditions reasonably practicable.
3. There are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
  - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter.
  - b. Exceptional topographic conditions.
  - c. By reason of the use or development of the property immediately adjoining the property in question.
  - d. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
4. Granting of the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
5. The variance is not necessitated as a result of any action or inaction of the applicant.

- D. Use Variance: A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that ALL of the following conditions are met:
1. The building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located.
  2. There are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter.
    - b. Exceptional topographic conditions.
    - c. By reason of the use or development of the property immediately adjoining the property in question.
    - d. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
  3. The proposed use will not alter the essential character of the neighborhood.
  4. The variance is not necessitated as a result of any action or inaction of the applicant or his or her agents or affiliates.
- E. Prior to a public hearing on a request for a use variance, the Zoning Board of Appeals may request that the Planning Commission forward a report to the Zoning Board of Appeals as to whether or not the property may reasonably be used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood. For this report the Planning Commission may consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.

## CHAPTER 19 Administration and Enforcement

### SECTION 19.01 REPEAL OF PRIOR ORDINANCE

All Zoning Ordinances previously adopted by the Township, and all amendments thereto, are hereby repealed upon the effective date of this Zoning Ordinance. This repeal of the above mentioned prior Zoning Ordinances of the Township and their amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### SECTION 19.02 ZONE DISTRICTS

The Township of Oneida is hereby divided into the following zoning districts:

- A-1 Agricultural District
- R-1A Low Density Residential District
- R-2A Medium Density Residential District
- R-1B One and Two Family Medium Density Residential District
- R-M1 High Density Residential District
- R-4 Manufactured Home Park District
- B-1 Local Business District
- B-2 General Business District
- M-1 Light Industrial District
- F-1 Floodplain District

### SECTION 19.03 ZONING MAP

- A. The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Oneida Township, Eaton County, Michigan," which accompanies and is hereby made a part of this Ordinance.
- B. The official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk or Treasurer, under the following wording: "This is to certify that this map is the Official Zoning Map of Oneida Township, which is a part of the Oneida Township Zoning Ordinance.
- C. A record shall be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public and shall be the final authority as to the current Zoning District status of all lands and buildings in Oneida Township which are subject to the provisions of this Ordinance.
- D. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.
  - 1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
4. Boundaries indicated as approximately following railroad lines shall be construed to be the center of the right-of-way.
5. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
6. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
7. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

#### **SECTION 19.04 AREAS NOT INCLUDED WITHIN A DISTRICT**

Where the application of the rules of Section 19.03 leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Township Planning Commission.

#### **SECTION 19.05 INTERPRETATION**

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided however that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Except as provided in Section 3.23, Nonconforming Buildings, Structure, and Uses, in this Ordinance, nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be

subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

#### **SECTION 19.06 REMEDIES AND ENFORCEMENT**

- A. The position of Township Zoning Administrator is created. The Zoning Administrator is to be appointed by the Township Board.
- B. The Zoning Administrator shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to employees of the Township or Township officials shall be reported to the Zoning Administrator.
- C. The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
- D. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall permit. A violation not corrected within this period, shall be reported to the Township Attorney who is hereby authorized to and shall initiate procedures to eliminate such violations.
- E. For each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared. Any person, firm, corporation, or other legal entity violating any provisions of this Ordinance shall be adjudged guilty of maintaining a nuisance per se. Punishable by imprisonment for not more than ninety (90) days or by fine of not more than one hundred dollars (\$100.00) or both such fine and imprisonment.

#### **SECTION 19.07 PUBLIC NUISANCE, PER SE**

Any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

#### **SECTION 19.08 PERFORMANCE GUARANTEES**

- A. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project which is the subject of such guarantee. The estimated cost shall include a ten percent (10%) cost to cover contingencies.
- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If said improvements are not completed such security shall be forfeited, either in whole or in part.



- C. The Township shall rebate a share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the requirement improvements. The balance if any shall be returned to the depositor.
- E. As used in this Section and Ordinance, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, or welfare of the residents of the Township and future uses or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

#### **SECTION 19.09 FEES**

- A. The Township Board shall, by resolution, establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. Fees may be changed from time to time by resolution of the Township Board. The Township shall not charge fees or assess costs to the applicant for time expended by Township employees (except as authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses.
- B. The applicant shall pay all applicable fees upon the filing of any application, proposed site plan, or any other request or application under this Ordinance for which a fee is required.
- C. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any application or related matter. The estimated fee and costs shall be submitted prior to any Township review of an application or request.
  - 1. The costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, engineering fees, costs and fees for services or outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses.
  - 2. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded to the applicant.

**SECTION 19.10 STOP WORK ORDERS**

- A. Notice to Owner: Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped.
- B. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- C. Unlawful Continuance: Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

**SECTION 19.11 PROPERTY SURVEYS**

If the Zoning Administrator in the performance of his duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, and Township Board pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to insure that all requirements of this Ordinance will be met, such survey and related information may be required by the Township and shall be paid for and provided by the property owner or applicant and no building permit or other Township permit(s) shall be issued or approved until and unless such survey and related information has been provided to the Township.

**SECTION 19.12 RIGHTS AND REMEDIES**

The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

**SECTION 19.13 SEVERABILITY**

The Ordinance and various Chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any Chapter, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

**SECTION 19.14 GENERAL RESPONSIBILITY**

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of Oneida Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Eaton County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

