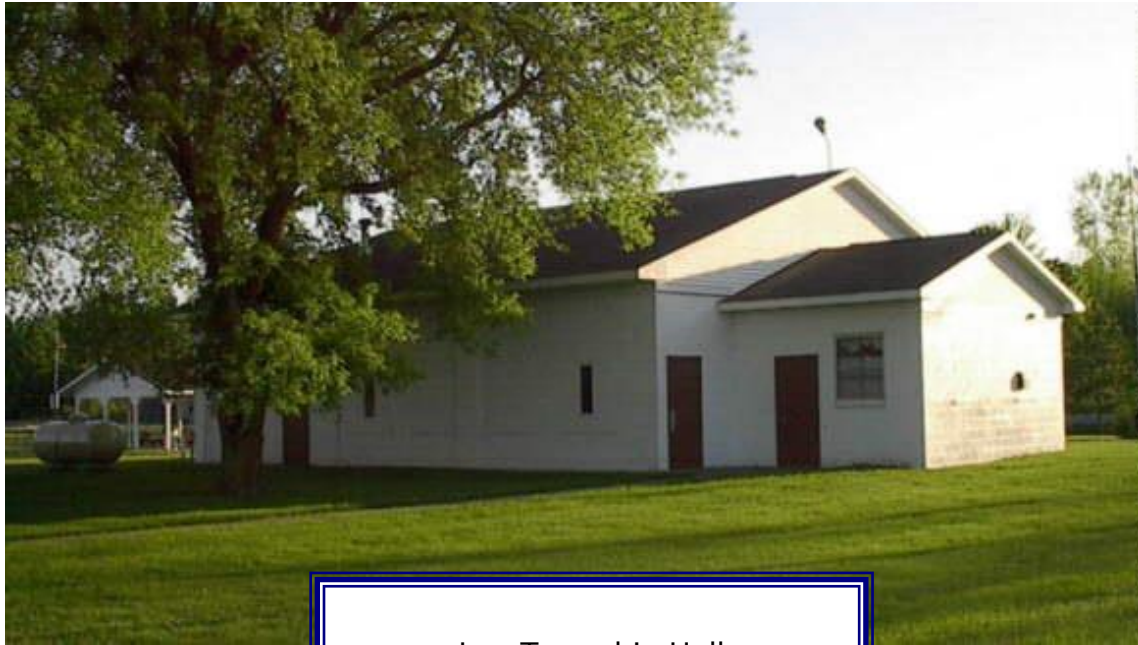


Lee Township

Zoning Ordinance



Lee Township Hall
1485 W. Olson Rd.
Corner of N. 9 Mile & Olson
Roads.
Midland, MI 48640
PH: (989) 832-2874

Effective Date May 23, 2018*

* Text Amendments in Ordinance #15 Included

Some of the ordinances have been amended. The final edited version is under construction. In the meantime please refer back to the township website and under the zoning ordinance link on the Planning Commission page is a list of ordinance amendments.

Lee Township Planning Commission

Mary Spraul, Chair

Geoffrey Gwisdala, Member

Debra Reiber, Trustee

Chris Stephens, Member

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Chapter 1 ■ General Provisions

SECTION 1.1 TITLE

This Ordinance shall be known, cited and referred to as the "Lee Township Zoning Ordinance".

SECTION 1.2 AUTHORITY AND ZONING COMMISSION

The Township Board provides for this Zoning Ordinance pursuant to [Public Act 110 of 2006](#) as amended. This Ordinance hereby establishes a Planning Commission, hereafter known as the Lee Township Planning Commission.

SECTION 1.3 PURPOSE

The purpose of this Ordinance shall be to promote the public health, safety, and general welfare by:

- Providing for the orderly development of the Township.
- Providing, in the interests of health and safety, conditions under which certain buildings and structures may hereafter be erected and used. Such provisions are intended to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers.
- Facilitating the development of an adequate system of transportation, education, sewage disposal, safe and adequate water supply conforming to the requirements of the health department and other public requirements.
- Conserving life, property, and natural resources, and the expenditure of public funds for improvements and services to conform to the most advantageous uses of land, resources, and properties.
- To avoid undue concentration of population by regulating and limiting the height and bulk of buildings, limiting and determining the size of yards, courts, and other open spaces, regulating the density of population and regulating and restricting the location of uses and buildings.

SECTION 1.4 INTENT

This Ordinance is not intended to repeal, abrogate, annul, or in any 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. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

SECTION 1.5 PRIOR REGULATIONS AND REQUIREMENTS OF LAND AND BUILDINGS

The use of any dwelling, building, or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance or any subsequent amendment to this

Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, provided that this provision does not waive the applicability of any other law or ordinance intended to protect the health, safety, and welfare of the public.

SECTION 1.6 LEGAL BASIS

This ordinance is enacted and administered pursuant to [Public Act 110 of 2006](#), as amended (being the Michigan Zoning Enabling Act)

SECTION 1.7 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion thereof.

SECTION 1.8 EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Lee Township Zoning Ordinance is effective on May 23, 2018.

This Ordinance shall take effect 30 days after publication of a summary thereof. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Chapter 2 ■ Definitions

For the purpose of this Ordinance, certain terms are herewith defined.

SECTION 2.1 GENERAL

Construction of Language. For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- b. The present tense includes the future tense, and the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory; the word "may" is permissive.
- d. The particular shall control the general.
- e. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- f. A "building" or "structure" includes any part thereof.

SECTION 2.2 SPECIFIC TERMS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

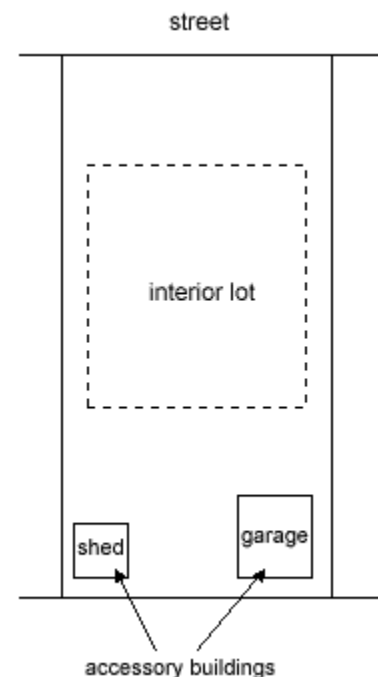
ABANDONMENT: The cessation of a permitted activity in, or a permitted use of, a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, and that has fallen into disrepair or is neglected in some way for a period of one year or longer.

ACCESS: A way of approaching or entering a property.

ACCESSORY BUILDING or ACCESSORY STRUCTURE:

Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use. This definition also includes OUTDOOR WOOD-FIRED HYDRONIC HEATERS: "OWHH".

ACCESSORY USE: Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation. These may include but are not limited to private garages, permanent storage sheds, playhouses, decks, porches and carports.



ADULT MEDIA: Magazines, books, slides, CD-ROMs or devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexually oriented hard-core material.

ADULT MEDIA STORE: An establishment that rents and/or sells media, and that meets any of the following three tests:

- a. 40 percent or more of the gross public floor area is devoted to adult media.
- b. 40 percent or more of the stock in trade consists of adult media.
- c. It advertises or holds itself out in any form as “XXX,” “adult,” “sex,” or otherwise as a sexually oriented business other than adult media store, adult motion picture theater or adult cabaret.

ADULT MOTION PICTURE THEATER: An establishment emphasizing or predominately showing sexually oriented movies.

AGRICULTURAL BUILDING: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

AGRICULTURAL STORAGE, TERMINALS AND PROCESSING FACILITIES: A building, facility, area, open or enclosed, or any location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to fruit dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form, including all uses customarily incidental thereto.

AGRICULTURE AND FORESTRY ACTIVITIES: The employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticultural use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines, including, but not limited to, providing riding lessons, training clinics and schooling shows. The growing or harvesting of forest tree species or trees used for commercial or related purposes. Also included are facilities used in the research and testing of agricultural products and techniques. see FARM.

ANIMAL (SMALL): A pet or any animal weighing 20 pounds or less.

ANIMAL (LARGE): Cattle, horses, mules, sheep, goats, beasts of burden, or any other domesticated or wild animal weighing more than 20 pounds except pet animals, unusual animals, or fowl.

ANIMAL (WILD OR EXOTIC): Animals which are wild by nature and not customarily domesticated. This definition does not include fish, birds, small rodents, or small, nonpoisonous reptiles commonly used for educational or experimental purposes, or as pets.

ANIMAL HOSPITAL/CLINIC: see VETERINARY HOSPITAL/CLINIC

ASSEMBLY BUILDING: A building for the primary purpose of group gatherings of 50 people or more for any purpose.

AUTO SALES AND SERVICE: An area used for the display, sales, service and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes all in operable condition.

AUTOMOBILE SERVICE STATION: see GAS STATION/SERVICE STATION.

BAR: A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

BED AND BREAKFAST: A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

BODY PIERCING PARLOR: see TATTOO/BODY PIERCING PARLOR.

BODY SHOP: see VEHICLE REPAIR

BUFFER: Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. A greenbelt is considered a buffer.

BUILDING: A structure erected on-site, a manufactured home, a mobile home or mobile structure, or a premanufactured or precut structure that is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.

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

BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

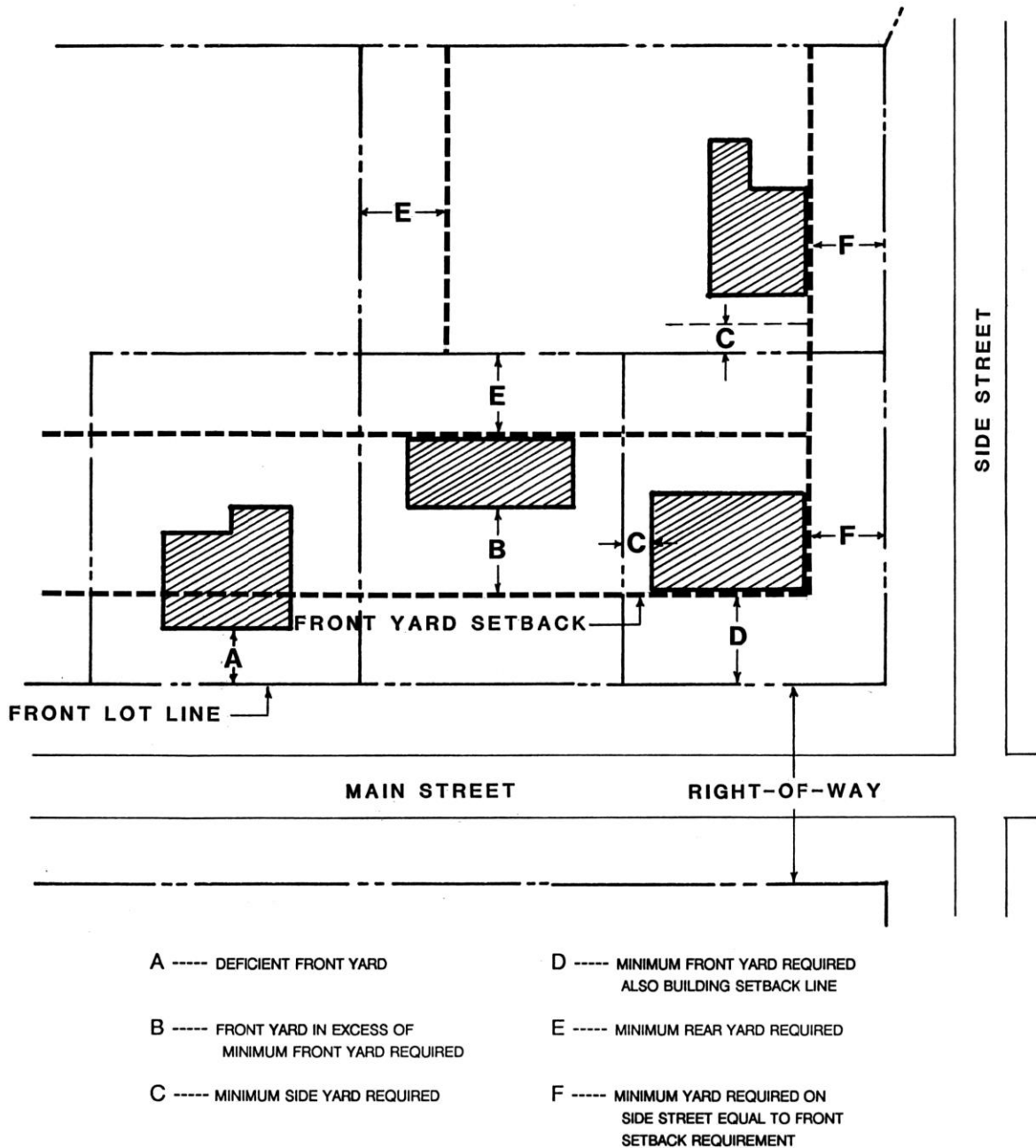
BUSINESS SERVICES: Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

CAMPGROUND: see RECREATIONAL VEHICLE RV PARK/CAMPGROUND.

CAR RENTAL AND LIMO SERVICES: see AUTO SALES AND SERVICE.

CELLULAR TOWER: see WIRELESS COMMUNICATION FACILITY

CEMETERY: Any publicly or privately-owned place for the interment of human or pet remains.



Building Line

CHILDCARE ORGANIZATION: A facility for the care of children under 18 years of age, as licensed and regulated by the State under [Act No. 116 of Public Acts of 1973](#) and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. **CHILDCARE CENTER** or **DAY CARE CENTER** means a facility, other than a private residence, receiving one or more preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. CHILDCARE CENTER or DAY CARE CENTER does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. **FOSTER FAMILY HOME** is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c. **FOSTER FAMILY GROUP HOME** means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. **FAMILY DAY CARE HOME** means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. **GROUP DAY CARE HOME** means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

CHURCHES/SYNAGOGUES/MOSQUES: see INSTITUTION, RELIGIOUS

CLUB/LODGE: see INSTITUTION, SOCIAL

COLOCATION: The use of a single mount on the ground by more than one telecommunications carrier (vertical colocation) and/or several mounts on an existing building or structure by more than one carrier.

COMMERCIAL SCHOOL: A school or facility offering training to perform any of the uses by right in the district in which a Commercial School is permitted either by right or by special use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

CONDOMINIUM: A condominium is a system of separate ownership of individual units in multi-unit projects. Such as condominium apartments, site condominiums, mobile home condominiums, campground and boat dock condominiums. For the purposes of this Ordinance, condominium terms shall be defined in the [Public Act 59 of 1978](#), as amended.

CONTRACTOR'S STORAGE YARD: An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a "contractor's storage yard" and will be required to conform to all applicable Zoning District standards and other legislative regulations.

CONVALESCENT OR NURSING HOME: see INSTITUTION, HUMAN CARE

CORNER LOT: see LOT, CORNER.

COTTAGE INDUSTRY: An establishment primarily engaged in the on-site production of goods which have a limited impact on adjoining development by virtue of either low development densities or more stringent review and standards. Examples of Cottage Industries include: mail order businesses, custom manufacturing, or light automotive and equipment repair.

DAY CARE: see CHILDCARE.

DAY CARE FACILITY: see CHILDCARE CENTER.

DAY NURSERIES: A private residence, licensed by the state, receiving one but fewer than seven preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. see CHILDCARE CENTER.

DENSITY: The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

- a. HIGH RESIDENTIAL: Fifteen (15) or more dwelling units per acre.
- b. LOW RESIDENTIAL: Fewer than five (5) dwelling units per acre.
- c. MEDIUM RESIDENTIAL: Five to fifteen (5-15) dwelling units per acre.

DISH SATELLITE SIGNAL-RECEIVING ANTENNAE: Also referred to as "Earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- a. A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in Earth orbit and other extra-terrestrial sources.
- b. A low-noise amplifier (LNA) that is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.

DISPLAY PUBLICLY: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion

of the premises where items and material other than adult media are on display to the public.

DISTRIBUTION CENTER: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

DOG CLUBS: see KENNEL

DRIVE-IN RESTAURANT/FAST FOOD: See RESTAURANT, DRIVE-IN/DRIVE-THROUGH/FAST FOOD.

DRY CLEANER/LAUNDRY: An establishment that cleans clothes or other fabrics through a process that uses solvents and specialized equipment instead of using water.

DWELLING: Any building or portion thereof usable exclusively for residential purposes with one or more habitable rooms occupied or intended for occupancy with facilities for living, sleeping, cooking and/or eating. A dwelling is classified as one of the following:

- a. **SINGLE-FAMILY DWELLING:** A building containing not more than one dwelling unit designed for residential use.
- b. **TWO-FAMILY DWELLING (Duplex):** A building containing no more than two separate dwelling units designed for residential use
- c. **MULTIPLE-FAMILY DWELLING:** A building containing three or more dwelling units designed for residential use
- d. **GROUP DWELLINGS (Congregate Living):** A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

DWELLING, ACCESSORY APARTMENT: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. Such dwellings may also be referred to as an in-law apartment or granny flat.

DWELLING UNIT: One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. But in no case shall a travel trailer, automobile chassis, or tent be considered a dwelling.

EARTH EXTRACTION: see MINING.

ELDERLY HOUSING: see SENIOR HOUSING

ENGINEERED HOME: see MANUFACTURED HOME

EQUIPMENT RENTAL/SALES: A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

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, distribution or collection systems, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith. Essential Services are those that are reasonably necessary to furnish adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but do not include buildings other than the buildings that are primarily enclosures or shelters of the mentioned equipment in this definition. Private wireless communication facilities are not considered Essential Services. see PUBLIC UTILITY

EXOTIC ANIMAL: see ANIMAL, WILD OR EXOTIC.

EXPLICIT SEXUAL MATERIAL: Any hard-core material.

FAMILY: A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.

FAMILY DAY CARE HOME: see CHILDCARE ORGANIZATION

FARM, FARMING: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. ([Michigan Right To Farm Act 93 of 1981](#)).

FAST FOOD RESTAURANT: see RESTAURANT/DRIVE-IN/DRIVE-THROUGH/FAST FOOD

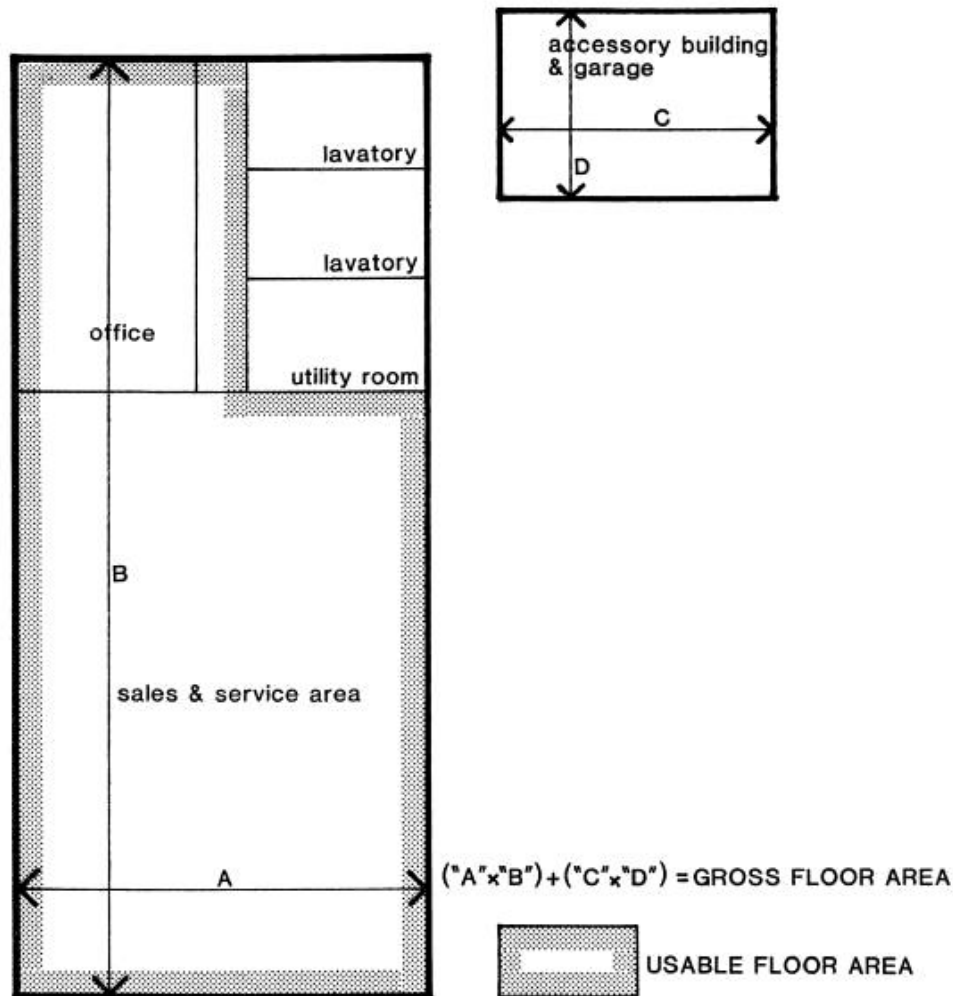
FENCE: A fence is an enclosing barrier, which is constructed or planted, in whole or in part, for purpose of denoting a boundary line between parties or to visually create a barrier between adjacent parcels. A fence is a privacy fence, if it shall be so constructed or planted such that more than fifty percent (50%) of the surface area, measured perpendicular to the sides, consists of material which is solid or opaque.

FLAG LOT: A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way.

FLEA MARKET: see OUTDOOR USE, TEMPORARY; YARD SALE

FLOOR AREA: The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

FLOOR AREA, USABLE: That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area that is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.



Floor Area Terminology

FOSTER FAMILY GROUP HOME: see CHILDCARE ORGANIZATION

FOSTER FAMILY HOME: see CHILDCARE ORGANIZATION

FRATERNAL ORGANIZATION: see INSTITUTION, SOCIAL

FUEL SALES, BULK: An establishment for the purpose of storage or sale of petroleum products, in bulk or in packages, distribution by tank car, tank vehicle, or motor truck.

FUNERAL HOME/MORTUARY: A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

GAAMPS: [GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES](#). (See Michigan's [Right to Farm Act 93 of 1981](#))

GARAGES: Includes the following:

- a. **ATTACHED.** An attached outbuilding customarily used for the storage of vehicles and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.
- b. **PRIVATE GARAGE.** A detached accessory building or portion of a main building used for the storage of vehicles without provision for repair or servicing such vehicles for profit.
- c. **SERVICE GARAGE.** Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

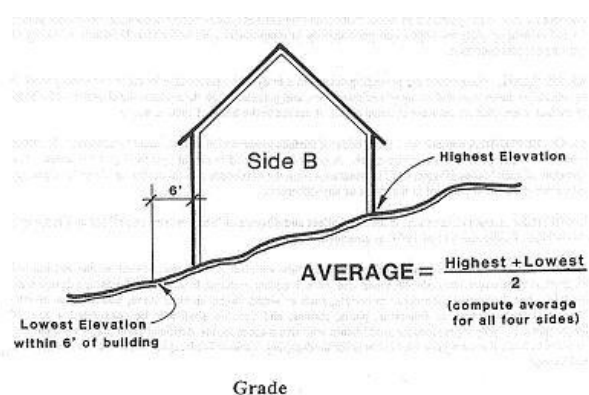
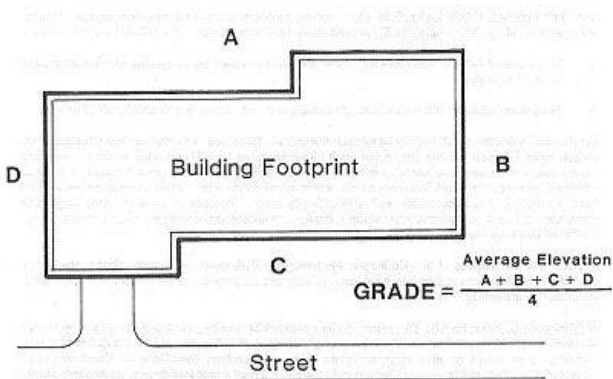
GARAGE SALE: see OUTDOOR USE, TEMPORARY/YARD SALE.

GARBAGE: Animal, vegetable and mineral waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

GAS STATION/SERVICE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

GOLF COURSE: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

GRADE: For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



GRAIN AND SEED ELEVATORS: A structure designed and constructed to house hay, grain, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

GREENHOUSE: A temporary or permanent 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 personal enjoyment.

GROSS PUBLIC FLOOR AREA: The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

GROUP DAY CARE HOME: see CHILDCARE ORGANIZATION

GUYED TOWER: A monopole or lattice tower that is tied to the ground or other surface by cables.

HARD CORE MATERIAL: Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

HEALTH CARE (SERVICES) FACILITIES: see INSTITUTION, HUMAN CARE

HEAVY VEHICLE, EQUIPMENT REPAIR AND SALES: An establishment providing sales and major and minor repair services to heavy load vehicles, including trucks, buses, trailers.

HEIGHT OF BUILDING: The vertical distance, measured from the adjoining curb level, to the highest point of the roof of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

HOME OCCUPATIONS: ~~Examples of Home Occupations include Bed and Breakfasts, Personal Services, Professional and Office Services, Small Item Repair and Fabrication among others, provided:~~

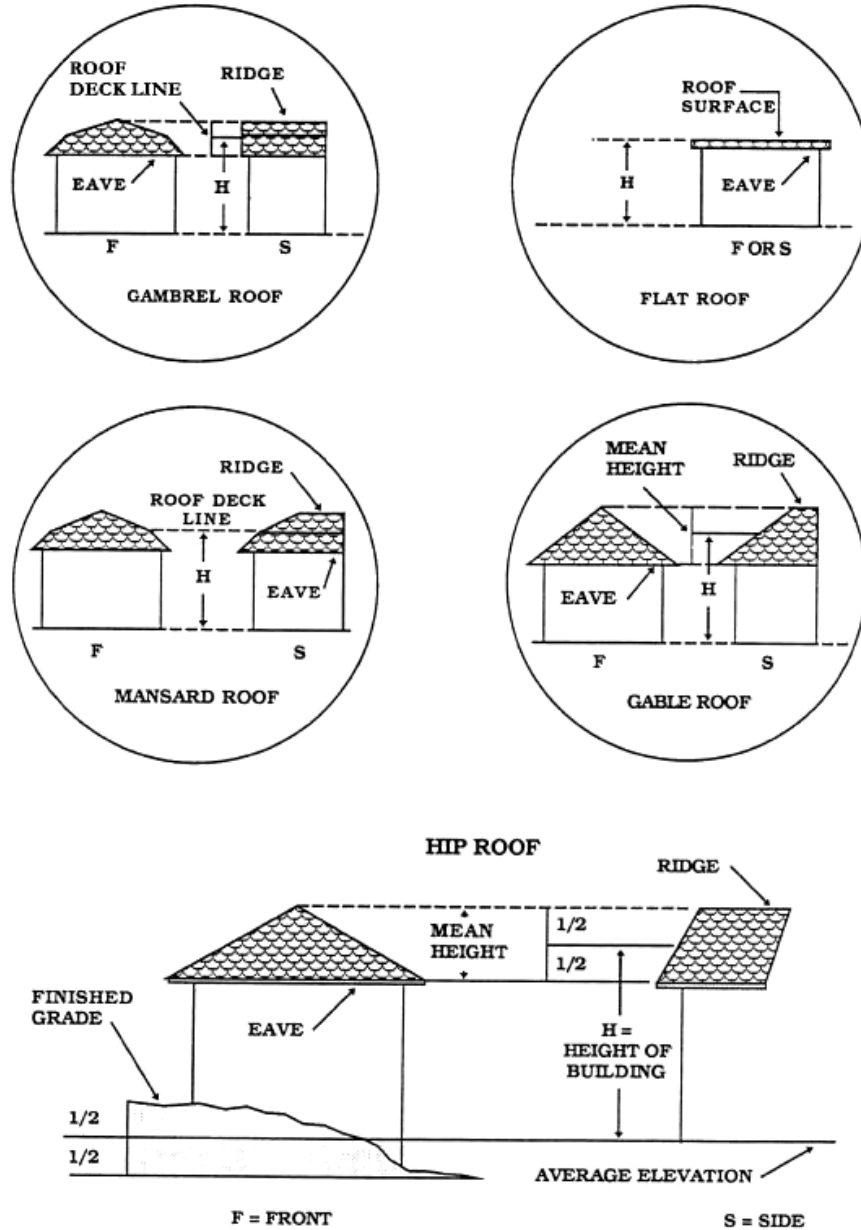
- ~~a. The majority of activities are carried on in the home or in another structure on the property, e.g., a garage or pole barn.~~
- ~~b. There should not be any external evidence of the operation of the Home Occupation, including traffic beyond that normally associated with a single-family dwelling.~~
- ~~c. It does not employ any persons other than family members residing on the premises.~~

HOSPITAL: see INSTITUTION, HUMAN CARE

HOTEL: see MOTEL

HUNTING AND GAME PRESERVES: Areas reserved for public or private hunting of wildlife, fishing and accessory structures in support of these activities.

BUILDING HEIGHT



INCINERATOR: A device used to burn waste substances and in which all the combustion factors, temperature, retention, time, turbulence and combustion air can be controlled.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and

managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

INFRASTRUCTURE: Facilities and services needed to sustain Industrial, Residential and Business activities.

INSTITUTION, CULTURAL: see MUSEUM, LIBRARY, EDUCATIONAL INSTITUTIONS

INSTITUTION, EDUCATIONAL: A school for kindergarten through twelfth grade or any colleges or universities authorized by the State to award degrees.

INSTITUTION, HUMAN CARE; ADULT FOSTER CARE: A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities, nursing homes and senior housing. It does not include homes for the mentally disadvantaged or substance abuse rehabilitation facilities. See [Act 218, of 1979](#) as amended, for definitions of Adult Foster Care.

INSTITUTION, INCARCERATION: Any jail or other place of confinement including work camps, jails, reformatories, penitentiaries, and correctional institutions.

INSTITUTION, REHABILITATION: A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.

INSTITUTION, RELIGIOUS: A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

INSTITUTION, SOCIAL: Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

INTENSIVE LIVESTOCK OPERATIONS: See the Michigan [Generally Accepted Agricultural Management Practices](#). [GAAMP](#)

JUNK MOTOR VEHICLE: An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with State or County laws or Ordinances.

JUNK/SALVAGE YARD: see LEE TOWNSHIP JUNKYARD ORDINANCE

KENNEL, COMMERCIAL: Any building or land used for the sale, keeping, boarding, treatment, or breeding of more than three (3) dogs or three (3) cats or other household pets as a business.

LABORATORY:

- a. Medical or dental: A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.

- b. **Experimental:** A building or part of a building devoted to the testing and analysis of any product or animal.

LAND USE: A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

LIBRARY: Institutions for the storage and circulation of books, compact discs, videotapes and other media and materials for use by the general public.

LINGERIE MODELING STUDIO: An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

LIVESTOCK: Domesticated animals intentionally reared in an agricultural setting to make produce such as food or fiber, or for its labor.

LOT: A lot is the parcel of land upon which the principal building, including any accessories are placed together with the required yards of open space, the legal description of which is on file at the Register of Deeds. A lot is not limited to a recorded subdivision plat.

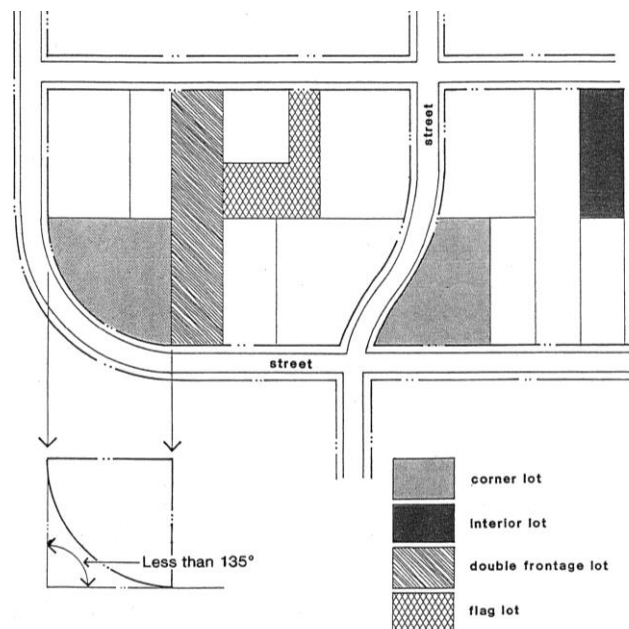
LOT AREA: The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

LOT, CORNER: Any lot having at least two contiguous sides abutting upon a street.

LOT COVERAGE: The part or percent of the lot occupied by buildings, including accessory buildings.

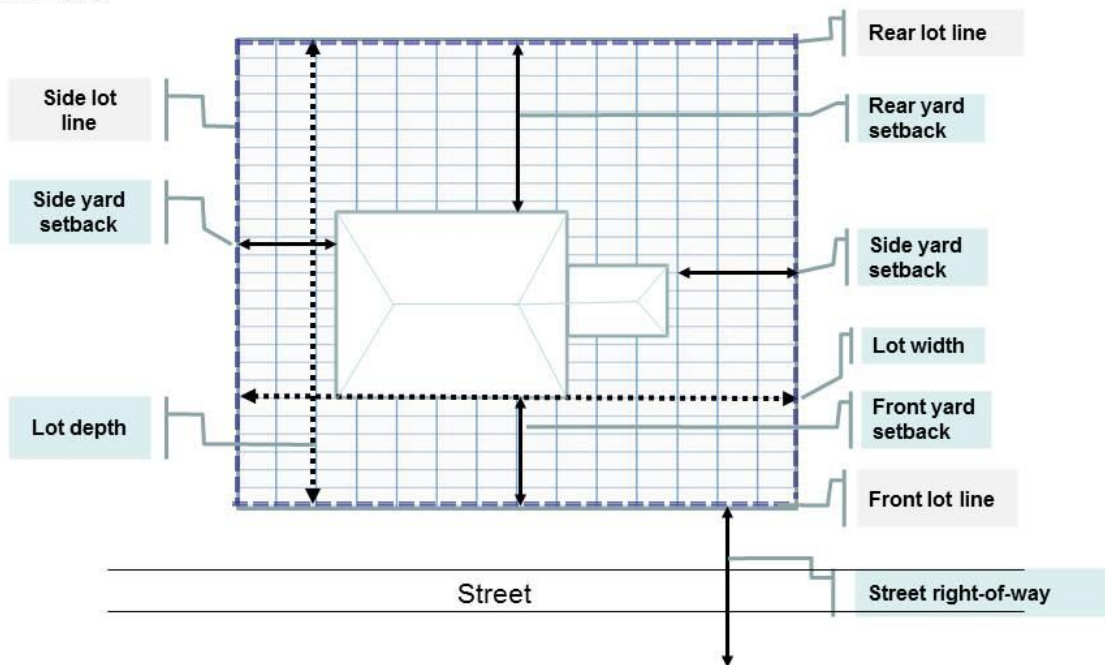
LOT DEPTH: The mean horizontal distance from the front street line to the rear lot line.

LOT, INTERIOR: Any lot other than a corner lot. See graphic for Corner Lot.



Interior & Corner Lots

Lot Lines



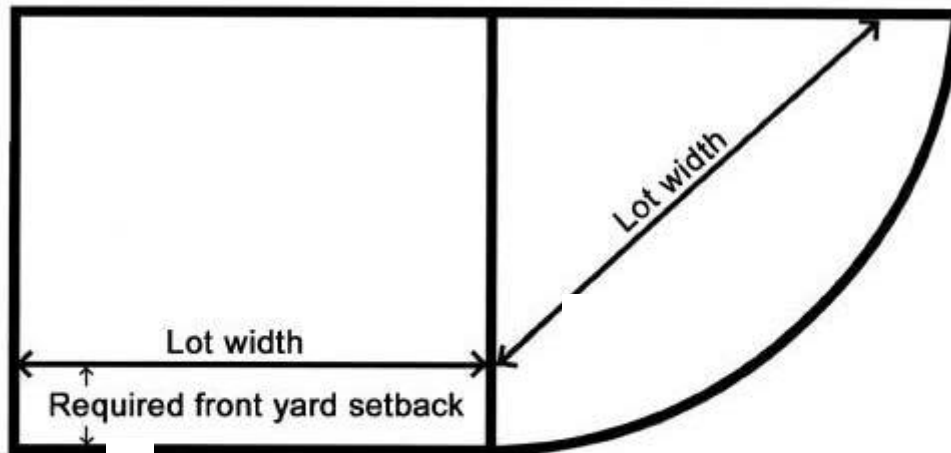
LOT LINES: Any line bounding a lot, including the following:

- a. **FRONT LOT LINE.** The line separating the lot from the right-of-way of the street; in the case of a corner line, the address of record is the front lot line.
- b. **REAR LOT LINE.** The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.
- c. **SIDE LOT LINE.** Any line other than front or rear lot lines.

LOT, THROUGH: Is any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. See graphic for Corner Lot.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township officials, and which actually exists as so shown, or any part of such parcel held in separate recorded ownership at the time of adoption of this ordinance.

LOT WIDTH: The lot width shall be considered the average of the width between side lot lines.



Lot Width

LOT, ZONING: A single tract of land that, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

LOUNGE: see BAR

LUMBER YARD: A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

MANUFACTURED HOME: see MOBILE HOME.

MANUFACTURING: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

MESSAGE STUDIO: An establishment offering massage therapy and/or body work by a massage therapist or under the direct supervision of a licensed physician.

MEDIA: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD, other magnetic media, and undeveloped pictures.

MEDIA SHOP: A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media

shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop shall be treated as an adult media outlet. [See regulations in Chapter 7.](#)

[MINING, SAND AND GRAVEL](#): The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

MINISTORAGE/SELF STORAGE: A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.

MOBILE HOME, MANUFACTURED HOME: A structure, transportable in one or more sections, that is built on a chassis and designed for use as a dwelling with or without a permanent foundation, constructed according to the standards promulgated by the U. S. Department of Housing and Urban Development, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

MOBILE HOME PARK, MANUFACTURED HOME DEVELOPMENT: An area of land upon which three (3) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building structure, vehicle, or enclosure used or intended for use as part of the equipment of such mobile coach park, subject to A.N.S.I. code and Michigan Manufactured Housing Commission rules, [Public Act 96 of 1987](#), as amended.

MORTUARY: see FUNERAL HOME

MOTEL: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term “motel” shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this Ordinance, “motel” and “hotel” have the same meaning.

MUSEUM: A building having public significance by reason of its architecture or former use or occupancy or building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

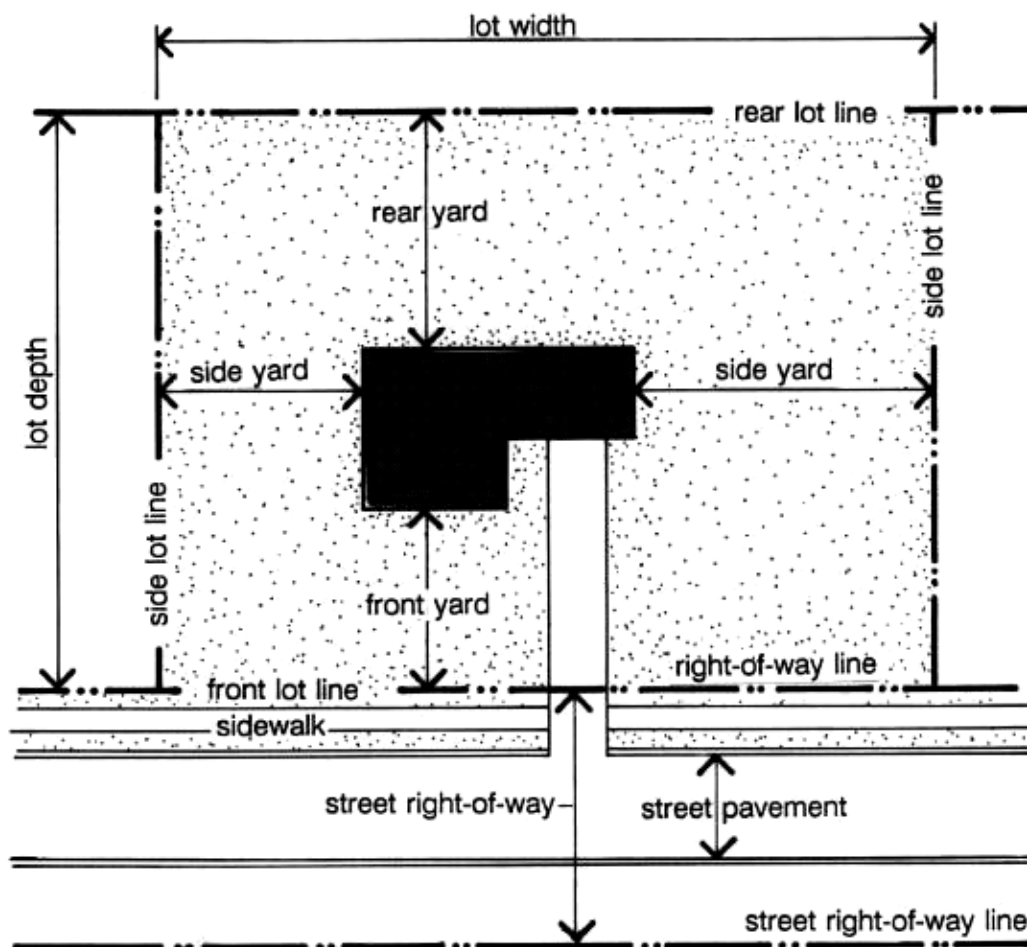
NONCONFORMING: Any building lot, sign or portion thereof lawfully existing at the time this Ordinance became effective and that does not comply with this Ordinance’s regulations.

NUISANCE: An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity that invades the property line of another so as to cause harm or discomfort to the owner or resident of that property.

ON SITE WIND ENERGY SYSTEMS: An On Site Use Wind Energy System is intended to primarily serve the needs of the consumer.

OPEN SPACE: Is that part of a zoning lot, including courts or yards, which:

- a. Is open and unobstructed from its lowest level to the sky, and
- b. Is accessible to all residents upon the zoning lot, and
- c. Is not part of the roof of that portion of a building containing dwelling units, and
- d. Is comprised of lawn and landscaped area, and
- e. Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.



Open Space Terms

OUTDOOR ASSEMBLY. These uses include outdoor amphitheaters, race tracks, drive-in theaters and similar uses. These uses may also include special purpose assembly such as

music festivals, fairs and similar activity where there are 250 or more people in attendance at any one time.

OUTDOOR COMMERCIAL SALES: Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.

OUTDOOR USE: A use, the majority of which is carried outside of a structure of any kind. These may include outdoor displays of merchandise, outdoor eating areas, outdoor storage and outdoor recreation under certain circumstances.

OUTDOOR WOOD-FIRED HYDRONIC HEATER (OWHH) OR OUTDOOR WOOD BOILER means a fuel burning device designed to burn wood or other solid fuels; That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds; and Which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

PARK: An outdoor recreation space for passive or playground activities. Motorized vehicles of any kind are not permitted in parks, except for personal motorized handicapped vehicles.

PARKING AREA: An area used for the parking, parking aisle, or access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

PERSONAL SERVICES: Personal Services include services such as licensed therapeutic massage, hair and nail salons, tailors, seamstresses, alterations, barbers

PET: A domesticated dog, cat, canary, parakeet, parrot, gerbil, hamster, guinea pig, turtle, fish, rabbit, or similar animals and customarily kept for pleasure or companionship.

POND: A permanent or temporary body of man-made open water.

PRIMARY LIVE ENTERTAINMENT: On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

PRINCIPAL BUILDING: A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

PRINCIPAL USE: The primary and predominate use of the premises including customary accessory uses.

PROFESSIONAL SERVICES: Services offered to the general public such as, but not limited to, law, medicine, engineering, accounting, and architecture.

PROCESSING: Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

PUBLIC UTILITY (PUBLIC SERVICE UTILITY): Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, State, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer or storm sewer.

RADIO TOWER: A signal-sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.

RAISING AND KEEPING OF LIVESTOCK: see FARMING

RECREATION, INDOOR: A recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.

RECREATION, OUTDOOR: Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, paint ball, mud bogs, and similar uses.

RECREATIONAL EQUIPMENT: Includes travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, personal watercraft, snowmobiles, off-road vehicles of any kind, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

RECREATIONAL VEHICLE: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND: A parcel of land reserved for the location of recreational vehicles, including building sites set aside for group camping and similar recreational vehicles.

REDUCTION, CONVERSION, DISPOSAL OF WASTE: Unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resource recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

RELIGIOUS INSTITUTION: see INSTITUTION, RELIGIOUS

RESEARCH AND DEVELOPMENT FACILITY: Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed, which is the interim step between full research and development and ultimate full-scale production.

RESOURCE RECOVERY FACILITY: A fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose of such a building is to reuse the recovered materials.

RESTAURANT: A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

RESTAURANT, DRIVE-IN/DRIVE THROUGH/FAST FOOD: A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

RETAIL BUSINESS: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

RIGHT-OF-WAY LINE: The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities. See graphic for Lot Lines.

ROAD FRONTAGE: The length of the lot line that borders a public or private road at the right-of-way line.

ROAD, PRIVATE: A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

ROAD, PUBLIC: All public property reserved or dedicated for street traffic.

ROADSIDE STANDS: A booth or stall from which produce and farm products are sold to the general public.

SADOMASOCHISTIC PRACTICES: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

SALVAGE/JUNK YARD: see LEE TOWNSHIP JUNKYARD ORDINANCE

SAND AND GRAVEL PIT: see MINING, SAND AND GRAVEL

SANITARY LANDFILL, SOLID WASTE TRANSFER STATION: Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

SAWMILL, LUMBERING: The cutting and storing of forest products and the operation of portable sawmills and planers. The proposed use shall not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

SCHOOL: see INSTITUTION, EDUCATIONAL

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SEASONAL BUSINESS: A retail business or service business that is not normally used as a business for more than six (6) months during any one calendar year.

SENIOR HOUSING: A residential complex containing multiple family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care where patients are confined to bed. see INSTITUTIONS: HUMAN CARE

SETBACK: The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot. See graphic for Lot Lines.

SEWAGE TREATMENT PLANT: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

SEX SHOP: An establishment offering goods for sale or rent and that meets any of the following tests:

- a. The establishment offers for sale items from any two of the following categories:
 - 1) Adult media:
 - 2) lingerie
 - 3) leather goods marketed or presented in a context to suggest their use for the sadomasochistic practices

and the combination of such items constitutes more than 10 percent of the stock-in-trade of the business or occupies more than 10 percent of its floor area.

- b. More than 5 percent of the stock-in-trade of the business consists of sexually oriented toys or novelties.
- c. More than 5 percent of the gross public floor areas of the business is devoted to the display of sexually oriented adult toys or novelties.

SEXUALLY ORIENTED BUSINESS: An inclusive term used to describe collectively: adult cabaret, adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio and/or sex shop. This collective term does not describe a specific land use and should not be considered a single-use category.

SEXUALLY ORIENTED TOYS OR NOVELTIES: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

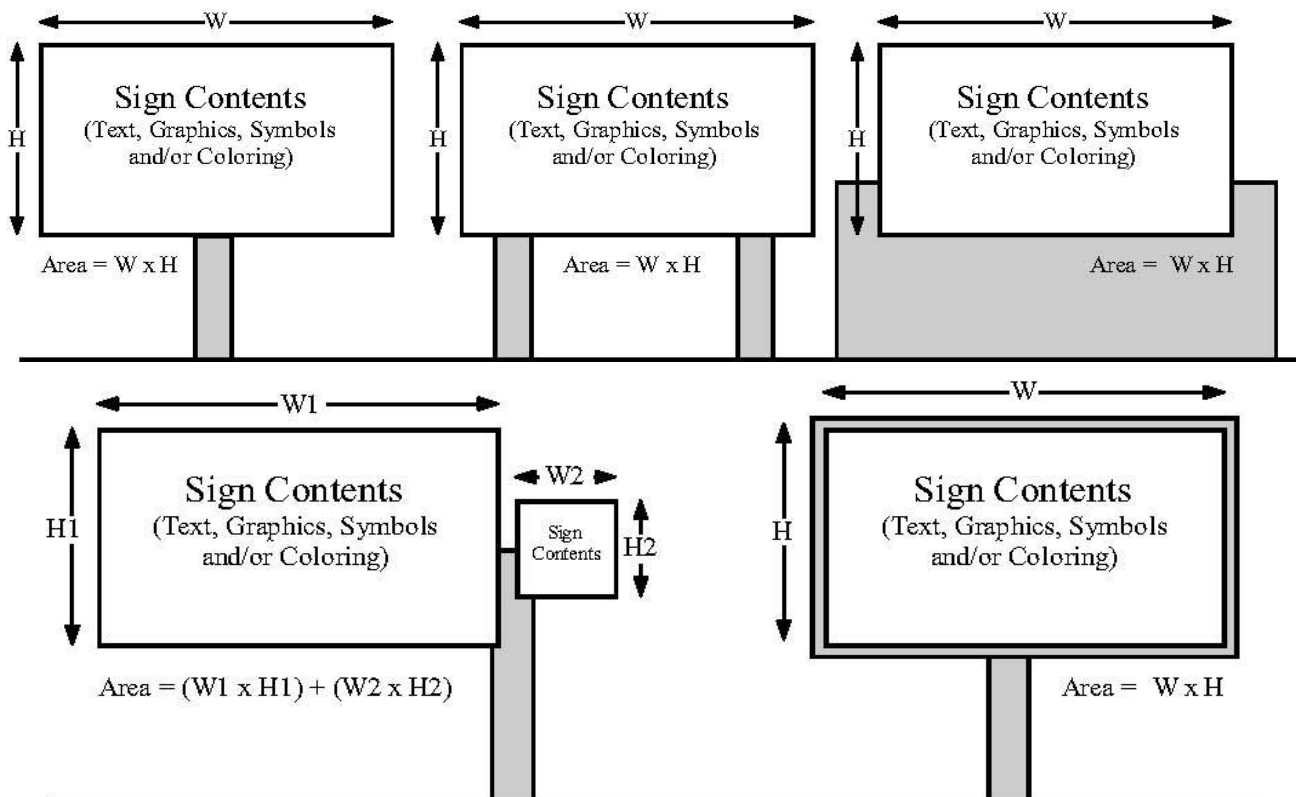
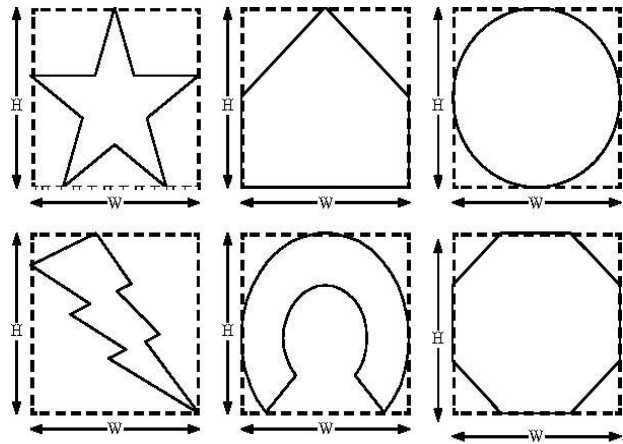
SIGNS: ~~A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, or idea and which is visible from any street, right of way, sidewalk, alley, park or other public property. This definition includes the base, frame, and support members of the Sign. Customary displays of merchandise or objects and material within an enclosed building or placed behind a store window are not Signs.~~

For the purpose of this Ordinance, the following sign or sign related terms are here defined:

a. ~~**Abandoned:** A sign shall be deemed Abandoned if:~~

- ~~1) It does not display a well-maintained structure or sign face for a consecutive one hundred twenty (120) day period;~~
- ~~2) The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the department; or~~
- ~~3) A structure designed to support a sign no longer supports the sign for a period of one hundred twenty (120) consecutive days.~~
- ~~4) Any sign not repaired or maintained properly, after notice, pursuant to the terms of this section.~~

b. ~~**Area/measurement of Sign.** The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits or writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed and any numbers displaying the address of the use. Only one side of a sign with two faces is used to calculate the area of the sign.~~



- c. **Awning Sign.** Any Sign attached to or constructed on a canopy or awning. A canopy is a permanent roof-like shelter extending from part of or all of a building face.
- d. **Clear Vision Area.** The area bounded by the street property lines of corner lots and a line intersecting the street property lines, thirty (30') feet from their point of intersection.

e. **Construction Sign.** A Sign containing identifying information concerning construction activity in progress on the premises on which the Sign is located, such as the name of the future occupant or business, development name, type of development, name of the developer, and names of architects, engineers, contractors and lenders involved in the construction activity.

f. **Directional Sign:** A Sign on private property the primary purpose of which is to direct traffic movement onto or off of a premises. Such signs include entrance, exit, or street number.

g. **Electronic Message Board.** Video terminal or electronic changeable copy Sign in which the copy or animation consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than five (5) seconds.



Electronic Message Board

h. **Freestanding Sign:** A Sign supported by one or more uprights, braces, pylons, or foundation elements located in or upon the ground and not attached to a building.



Freestanding Sign

i. **Governmental Sign:** A Sign authorized by this municipality, a governmental agency, the state of Michigan, or the federal government, for the benefit of the public. Such Signs may include safety Signs, danger Signs, trespassing Signs, street direction Signs, destination Signs, hazardous condition Signs, or Signs for traffic control purposes.

j. **Ground Mounted.** See Monument Sign.

k. **Integral Sign:** Signs made an integral part of the walls of the structure or roof for farm buildings, or when carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction.



Marquee Sign



Monument Sign

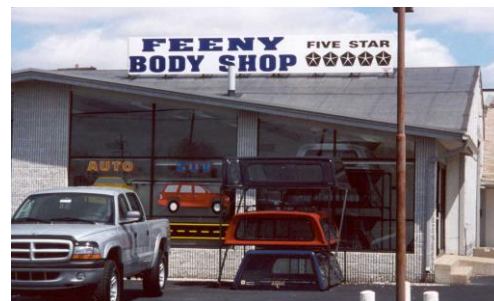
l. **Marquee:** Any hood, canopy, awning, or permanent construction that projects from a wall of a building, usually above an entrance.

m. **Monument Sign:** A Freestanding Sign where the base of the Sign structure is permanently in the ground or integrated into landscaping or other solid structural features.

- n. **Nonconforming Sign.** Any advertising structure or Sign which was lawfully erected and maintained prior to the effective date of this ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this ordinance, or a Sign for which a permit was previously issued that does not comply with the provisions of this ordinance.
- o. **Owner:** A Person owning the Sign and/or the property owner upon which the Sign is located.
- p. **Parcel:** Contiguous real estate taxed as a single parcel on one side of a public road.
- q. **Permit:** The authorization for the installation of a Sign issued by the department.
- r. **Person:** Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee, and their legal successors.
- s. **Portable/Temporary Sign:** A Sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, included but not limited to “sandwich” Signs and Signs mounted on wheels so as to be capable of being pulled by a motor vehicle from one location to another. Banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs, inflatables or similar devices intended for a limited period of display shall also be considered a portable sign. This definition does not include specified exceptions for grand opening type signs.
- t. **Projecting Sign:** A Sign affixed to any part of a building or structure that extends beyond the building or structure by more than twenty (20”) inches.
- u. **Property Sign:** A sign related to the property on which it is located and offering such property for sale or lease, advertising contemplated improvements, announcing the name of the builder, designer, owner, or developer of a project, or warning against trespass.
- v. **Replacing Copy.** Any change to a Sign's face or display other than changing letters and numbers designed to be removed on a daily or weekly basis for a temporary advertisement or sale.
- w. **Roof Line.** The highest point on any building where an exterior wall encloses usable floor space. The term “roof line” includes the top of any parapet wall, providing said parapet wall extends around the entire perimeter of the building at the same elevation. The façade of a building is not defined as part of the roof line.
- x. **Roof Sign:** A Sign erected, constructed, or maintained upon, or which projects above, the Roof Line of a building.



Projecting Sign



Roof Sign

- y. **Special Event Sign:** See Portable/Temporary Sign. A Sign advertising display that is temporary in nature, is not permanently attached to the ground or Sign surface, and is used for special events, such as, but not limited to grand openings, seasonal sales, liquidations, going out of business sales, fire sales and promotions.
- z. **Street Banner:** See Portable/Temporary Sign. Fabric Signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Michigan Department of Transportation.
- aa. **Structural Alteration.** Any change other than incidental repairs and maintenance that would prolong the life of the supporting members or face(s) of the Sign.
- bb. **Temporary Sign:** See Portable/Temporary sign
- cc. **Wall Sign:** A Sign attached to, painted upon, placed against, or supported by the exterior surface of any building. Wall signs also include Marquees and Canopy Signs.

SITE CONDOMINIUM: see CONDOMINIUM.

SPECIFIED ANATOMICAL AREA:

- a. Less than completely opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola.
- b. Human genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE, PUBLIC: An establishment used for the breeding, rearing and housing of more than two (2) horses, ponies, and similar animals, and including riding academies and stables to which the public is admitted for a fee to ride and/or board horses.

STABLE, PRIVATE: Any building or structure and adjacent lands used for or designed for the boarding, breeding, or care of not more than two (2) horses, ponies and similar animals, other than horses used for farming or other agricultural purposes. A private riding stable may include areas and facilities for training, riding, or driving of horses and for offering of lessons to teach the riding and driving of horses for a fee to a limited number of persons having a direct interest in said horses.

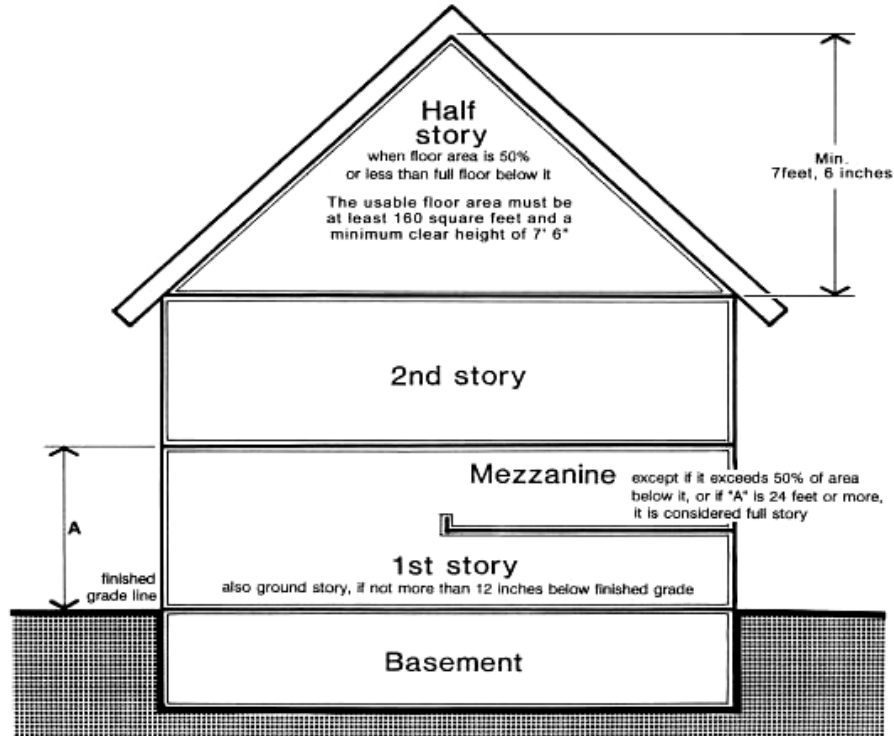
STATE LICENSED RESIDENTIAL FACILITY: A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped residents. A family home is defined as having 1 to 6 residents; a group home has 7 to 20.

STORAGE, INDOOR: see WAREHOUSE

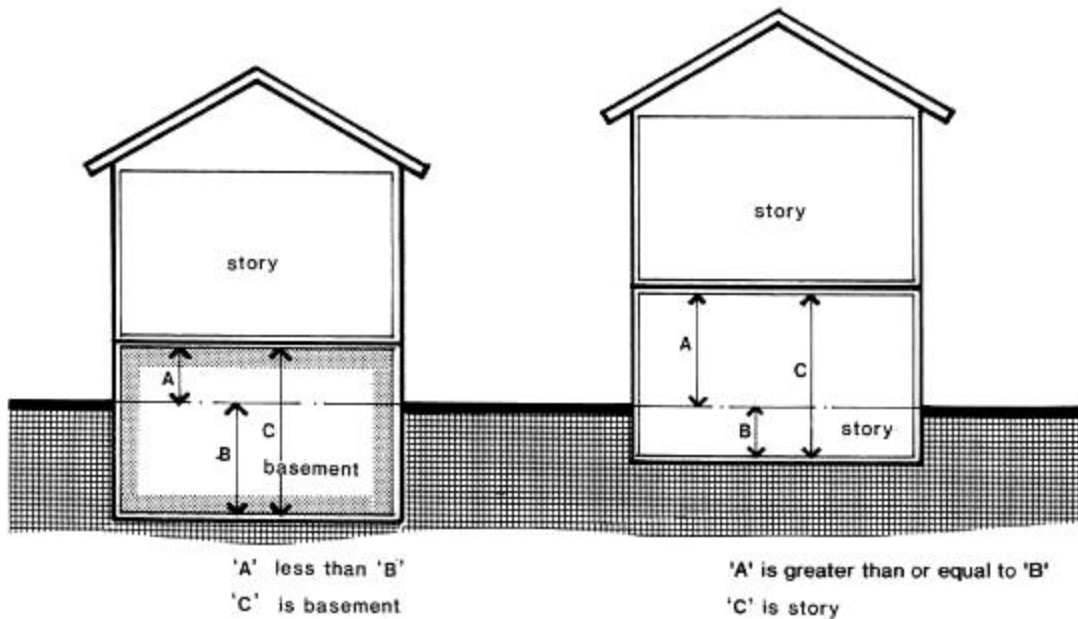
STORY: That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the

purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.



Basic Structural Terms



Basement and Story

STREET/ROAD, PRIVATE: A street or road that is not public as defined by this Ordinance.

STREET/ROAD, PUBLIC: Any public right-of-way, conforming to Midland County standards, that provides vehicular access to adjacent properties.

STRUCTURE: see BUILDING

STRUCTURE CHANGES OR ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

SUBDIVISION OR SUBDIVIDE: The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes, provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

SUBSTANCE ABUSE REHABILITATIONS CENTER: see INSTITUTION, REHABILITATION

SYSTEM BUILT HOME: see MANUFACTURED HOME

TATTOO/BODY PIERCING PARLOR: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

- a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TAVERN: see BAR

TEMPORARY BUILDING AND STRUCTURES: A use in a temporary building or structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit, unless regulated by the State of Michigan.

TEMPORARY DWELLING: Includes, but is not limited to travel trailer, pop-up campers, modified trailers and tents, but does not include mobile homes as defined in the [Michigan Mobile Home Commission Act](#) (Manufactured Housing Commission).

TEMPORARY INDOOR AND OUTDOOR USES: A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity or use for which the temporary structure was erected, has ceased.

THEATER: A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

TOOL AND DIE SHOPS: see MANUFACTURING.

TOWING OPERATIONS: see VEHICLE REPAIR.

USE, CHANGE OF: Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

USE, LAWFUL: The legal use of any structure or land that conforms with all of the regulations of this code or any amendment that exists at the time of the enactment of this code or any amendment thereto. All other uses are considered nonconforming uses that may be deemed legal or illegal.

USED, OCCUPIED: These words are intended to include INTENDED, DESIGNED or ARRANGED to be used or occupied.

USE, TEMPORARY: A use in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit. An outdoor temporary use has fewer than 250 people in attendance at one time and may require a special use permit if determined by the Zoning Administrator or designee.

USED CAR LOT: see VEHICLE SALES

UTILITY GRID WIND ENERGY SYSTEMS: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

UTILITY OR PUBLIC SERVICE BUILDINGS: Any person, firm, corporation, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing: transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.

VEHICLE, MOTOR: A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.

VEHICLE REPAIR: General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change. Vehicle repair also includes an establishment that provides for the removal and temporary storage (7 days) of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

VEHICLE SALES: An area used for the display, sales, service and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes all in such a condition that they can be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

VEHICLE WASH: A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying, including power washers.

VETERINARY HOSPITAL/CLINIC: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

VIDEO-VIEWING BOOTH OR ARCADE BOOTH: Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to, film, video or magnetic tape, laser disc, CD, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

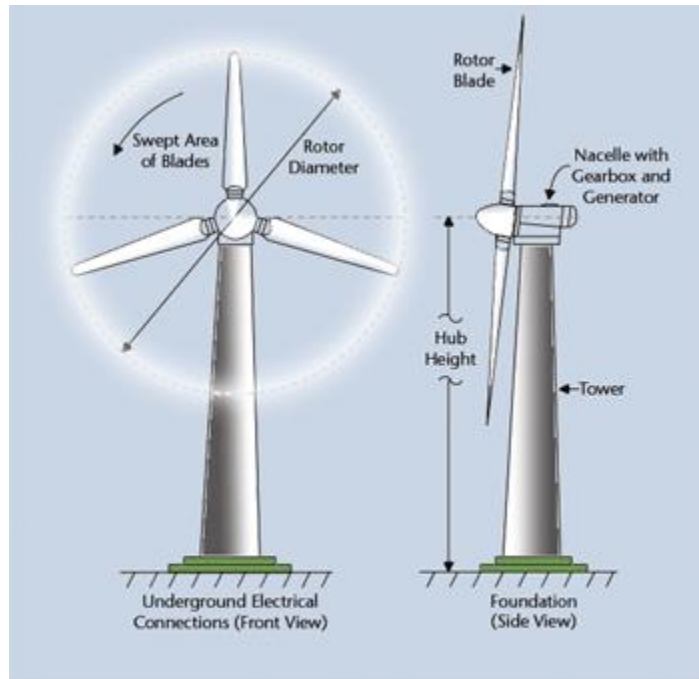
WAREHOUSE: A building primarily used for the storage of goods and materials. See MINISTORAGE.

WAREHOUSING/DISTRIBUTION: The storing of different types of equipment and merchandise to be shipped or sold for resale.

WHOLESALE SALES:

Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY SYSTEM: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.



Drawing of the rotor and blades of a wind turbine, courtesy of ESN

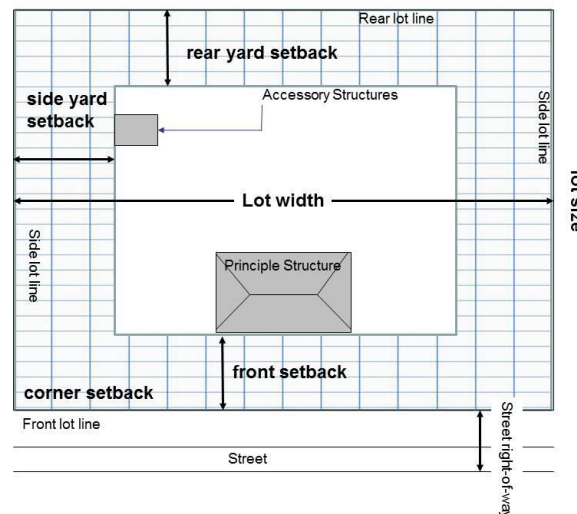
WIND SITE ASSESSMENT: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

WIND POWER GENERATING FACILITIES: Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

~~**WIRELESS COMMUNICATION FACILITY:** Any device, including cellular towers, used for transmitting and receiving radio waves, microwaves, and other similar frequencies.~~

YARDS: Yard is the open ground space on a premises unoccupied by buildings and includes the following:

- a. Front yard is defined as the yard extending across the full width of a premises between the nearest line of the main building or accessory structure and the front line or highway right-of-way, as the case may be.
- b. Side yard is defined as the yard extending the full depth (extending from the lot line or highway right-of-way line to the rear line of the premises) of a



premises between the nearest line of the main building or accessory structure and adjacent lot line.

- c. Back yard is defined as all open, unoccupied spaces on the same premises with the building, between the building and rear lot line.
- d. Required yard is a yard, as defined, that occupies the area of a required setback.

YARD SALE: A sales activity that takes place on an agriculturally or residentially zoned parcel for no more than 5 consecutive days, twice in a calendar year. Sales that exceed this duration are TEMPORARY OUTDOOR USES.

ZERO LOT LINE: The location of a building in such a manner that one or more of the building's sides is directly on a lot line.

Chapter 3 ■ District Regulations

For the purpose of this Ordinance, certain terms are herewith defined.

SECTION 3.1 DIVISION OF THE TOWNSHIP

For the purposes of this Ordinance, all land within Lee Township, except streets, is divided into the following Zoning Districts:

AG	Residential Farming/Agriculture
R-A	Single Family Residential
R-B	Multiple Family Residential
R-C	Manufactured Home Parks
C	Commercial
I	Industrial

SECTION 3.2 OFFICIAL ZONING MAP

The boundaries of Zoning Districts are defined and established as shown on a map, entitled "Lee Township Zoning Map," that accompanies this Ordinance. This map, with all explanatory text, is a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Township Clerk or his/her designee and is available to view and purchase at the Lee Township Hall.

SECTION 3.3 INTERPRETATION OF BOUNDARIES

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

- Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
- Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow said lines.
- Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel to and at such distance from as indicated by given distance or scaled dimension.

SECTION 3.4 SCOPE OF REGULATIONS

- No building or structure or part thereof shall be erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms to the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.

- b. The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.
- c. The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any Zoning District.

d. **GROUND WATER PROTECTION**

All uses shall comply with the following provisions:

- 1) Wastewater treatment systems, including on-site septic systems, shall be located to minimize any potential degradation of surface water or ground water quality.
- 2) Sites which include storage of hazardous materials or waste, fuels, oil, salt, fertilizers or chemicals shall be designed and constructed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby bodies of water.

e. **SOIL EROSION AND SEDIMENTATION CONTROL**

The provisions of the [Natural Resources and Environmental Protection Act, Act 451](#) of 1994, as amended, shall apply to all land uses premises, and earth changes as defined and regulated in said Act.

f. **FLOOD PLAIN REGULATIONS**

No building, structure, or dwelling designed, constructed, used, or intended to be used for human occupancy shall be moved on, constructed, erected, or occupied in the one hundred (100) year flood plain of a river and its tributaries without a permit from the proper enforcing agency.

g. **RIVER AND STREAM CORRIDOR SETBACKS**

No building or structure shall be moved on, constructed, erected, or moved to less than fifty (50) feet from the banks of major rivers, streams, and tributaries without permit from the proper enforcing agency.

SECTION 3.5 ROAD RIGHTS-OF-WAY

All roads and rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such roads. Where the center line of a road serves as a district boundary, the zoning of such road, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 3.6 DISTRICT REGULATION TABLES

Regulations for all Zoning Districts are contained together in the following tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general

requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in Lee Township.

- a. INTENT AND PURPOSE— This table lists the intent and purpose of each Zoning District.
- b. CONSOLIDATED USES— This table lists all of the uses – either permitted or special land use – for all districts.
- c. USES for each ZONING DISTRICT –These tables describe permitted activities for the various Zoning Districts. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Use Permit are subject to the process described in [Chapter 7, Special Use Permit Regulations](#).
- d. DIMENSIONS— This table specifies parcel dimensions and setback requirements for parcels in each Zoning District.

TABLE 1 DISTRICTS: INTENT AND PURPOSE

Zoning District	Stated Intent and Purpose
AG District: Residential Farming/Agriculture	It is the intent of this district to keep the majority of the Township of a rural nature, with low-density residential areas, general farming, and woodlands.
R-A District: Residential - Single Family	It is the intent of this district to provide an area for single-family dwellings. Commercial and industrial structures or facilities are prohibited in this district, since a mixture of such uses and residential development uses would hinder the expansion of the commercial and industrial developments and would contribute to a reduced quality of life for the residential development.
R-B District: Residential - Multiple Family	It is the intent of this district to provide an area for multiple-family housing. Commercial and industrial structures or facilities are prohibited in this district, since a mixture of such uses and residential development uses would hinder the expansion of the commercial and industrial developments and would contribute to a reduced quality of life for the residential development.
R-C District: Manufactured Home Park	It is the intent of this district to provide areas for mobile home parks that are suitable for this purpose. Commercial and industrial structures or facilities are prohibited in this district since a mixture of such uses and residential development uses would hinder the expansion of the commercial and industrial developments and would contribute to a reduced quality of life for the residential development.
C District: Commercial	It is the intent of this district to provide areas suitable for general commercial use. These regulations are meant to encourage cluster development whenever possible. Single-family dwellings, including mobile homes and mobile home parks, are prohibited in this district, since a mixture of commercial and residential development would hinder the expansion of the commercial development while contributing to a reduced quality of life for the residential development.
I District: Industrial	It is the intent of this district to provide suitable areas of industrial and manufacturing operations. These regulations are meant to encourage areas of concentrated development whenever possible. Single-family dwellings, including mobile homes and mobile home parks, are prohibited in this district, since a mixture of industrial and residential development would hinder the expansion of the industrial development and contribute to a reduced quality of life for the residential development.

TABLE 2 USES BY DISTRICT

Use	Districts					
	AG	R-A	R-B	R-C	C	I
√= Permitted by Use S=Special Land Use Permit						
Accessory uses	√	√	√	√	√	√
Agricultural and forestry activities	√	√	√	√	√	√
Agricultural bulk storage and processing	S					√
Assembly buildings					√	√
Bars/taverns					√	√
Bed and breakfasts	S	S	S			
Campground/RV Park	S					
Cemeteries	√					
Childcare organizations	√	√	√	√	√	√
Commercial schools					√	√
Contractors storage yards						√
Cottage industry	S	S	S		√	√
Distribution and terminals						√
Drive-through establishments					√	√
Dry cleaner/laundry					√	√
Dwellings above the first floor				√	√	√
Equipment, rental and sales					√	√
Fuel sales, bulk						√
Funeral homes/mortuaries					√	
Gas station/service station					√	√
Golf courses	√					
Grain and seed elevators	√					√
Greenhouses	√				√	√
Heavy vehicle, equipment repair and sales					√	√
Home occupations	S	S	S	S	-	-
Hotel/motel					√	√

Use	Districts					
	AG	R-A	R-B	R-C	C	I
<u>Incinerators</u>						S
Industrial parks						√
Institutions: Cultural	√				√	√
<u>Institutions: Educational</u>	√	S	S		√	√
<u>Institutions: Human Care</u>	S	S	S		√	√
Institutions: Incarceration						√
Institutions: Rehabilitation					√	√
Institutions: Religious	√	√	√	√	√	√
<u>Institutions: Social</u>				S	√	√
<u>Institutions: Substance Abuse</u>					S	√
<u>Intensive livestock operations</u>	S					
<u>Junkyards, scrap yards, salvage yards and landfills, resource recovery</u>						S
<u>Kennels, commercial</u>	S				√	
Laboratories					√	√
Lumber yards					√	√
Manufactured Home Developments				√		
Manufacturing						√
<u>Medical hardship housing opportunity</u>	S	S	S			
Ministorage					√	√
Multiple family dwellings			√			
Outdoor commercial sales and use					√	√
Parks	√	√	√	√	√	√
<u>Personal services</u>	S	S	S	S	√	√
<u>Professional offices/office services</u>	S	S	S	S	√	√
Production, processing, assembling, treatment or packaging of goods						√
Public utility/service installations						√

√= Permitted by Use S=Special Land Use Permit	Districts					
	AG	R-A	R-B	R-C	C	I
Use						
Raising and keeping of small animals	√	√	√	√		
Recreation, Indoor					√	√
Recreation, outdoor	S			S	S	√
Reduction, conversion and disposal of waste						S
Research and development					√	√
Restaurants					√	
Retail business					√	
Roadside stands	√	√	√	√	√	√
Sand and gravel pits, earth extraction	S	S	S		S	S
Sawmill, lumbering	S	S			√	√
Sewage treatment and disposal						S
Sexually oriented business						S
Single-family dwellings	√	√	√			
Stable, public or private	√				√	
State licensed residential facilities for 6 or fewer residents	√	√	√	√		
State licensed residential facilities for 7-20 residents			S	S	√	
Temporary buildings and structures	S					S
Temporary indoor and outdoor uses	S			S	√	√
Theaters, including drive-ins					√	√
Towing operations					√	√
Two-family dwellings	√		√			
Vehicle repair, sales and wash					√	√
Veterinary hospital/clinic	√				√	√
Warehousing and storage					√	√
Wholesale sales					√	√

√= Permitted by Use S=Special Land Use Permit	Districts					
Use	AG	R-A	R-B	R-C	C	I
Wind energy, utility	S				S	S
Wireless communication facilities	√	S	S		√	√-

TABLE 3 USES/DIMENSIONS: RESIDENTIAL FARMING/AGRICULTURE DISTRICT

Residential Farming District, AG	
Permitted by Use	Special Land Uses
Agricultural and forestry activities	Agricultural bulk storage and processing
Cemeteries	Bed and breakfasts
Childcare organizations	Campground/RV Park
Golf courses	Cottage Industry
Grain and seed elevators	Home occupations
Greenhouses	Institutions, Human Care
Institutions: Cultural, Educational, Religious	Intensive livestock operations
Parks	Kennels, commercial
Raising and keeping of small animals and livestock	Medical hardship housing opportunity
Roadside stands	Personal services
Single-family dwellings	Professional/Office Services
Stable, public or private	Recreation, outdoor
State licensed residential facilities for 6 or fewer residents	Sand and Gravel Pits, earth extraction
Two-family dwellings	Sawmill and lumbering
Veterinary hospital/clinic	Temporary buildings and structures
Wireless communication facilities	Temporary indoor and outdoor uses
Accessory uses	Wind energy, utility

- Min lot: 1 acre
- Min width: 132 ft
- Front yard setback: 50 ft (50 ft)
- Side yard setback: 20 ft (20 ft)
- Rear yard setback: 25 ft (25 ft)
- Corner setback: 50 ft
- Min 1st floor: 720 sq ft
- Min bldg width: 14 ft
- Max bldg ht: 35 ft

() indicates accessory structures

TABLE 4 USES/DIMENSIONS: SINGLE-FAMILY RESIDENTIAL DISTRICT

Single Family Residential District, R-A	
Permitted by Use	Special Land Uses
Agricultural and forestry activities	Bed and breakfasts
Childcare organizations	Cottage Industries
Institutions: Religious	Home occupations
Parks	Institutions: Educational, Human Care
Raising and keeping of small animals	Medical hardship housing opportunity
Roadside Stands	Personal services
Single-family dwellings	Professional offices/office services
State licensed residential facilities for 6 or fewer residents	Sand and gravel pits, earth extraction
Accessory uses	Sawmill, lumbering
	Wireless communication facilities

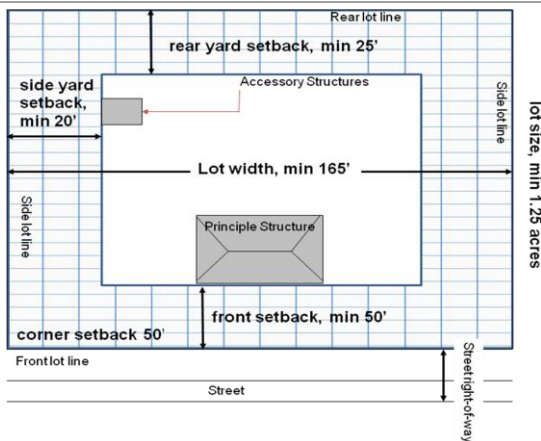
The diagram illustrates a rectangular lot with a width of at least 132 feet and a total area of at least 1 acre. A 'Principle Structure' is shown in the center, and 'Accessory Structures' are located in the rear yard. The following setbacks are specified: a rear yard setback of at least 25 feet, a side yard setback of at least 20 feet, a front setback of at least 50 feet, and a corner setback of 50 feet. The lot is bounded by the 'Rear lot line', 'Front lot line', and 'Street' with a 'Street right-of-way' adjacent to the front lot line.

- Min lot: 1 acre
- Min width: 132 ft
- Front yard setback: 50 ft (50 ft)
- Side yard setback: 20 ft (20 ft)
- Rear yard setback: 25 ft (25 ft)
- Corner setback: 50 ft
- Min 1st floor: 720 sq ft
- Min bldg width: 14 ft
- Max bldg ht: 35 ft

() indicates accessory structures

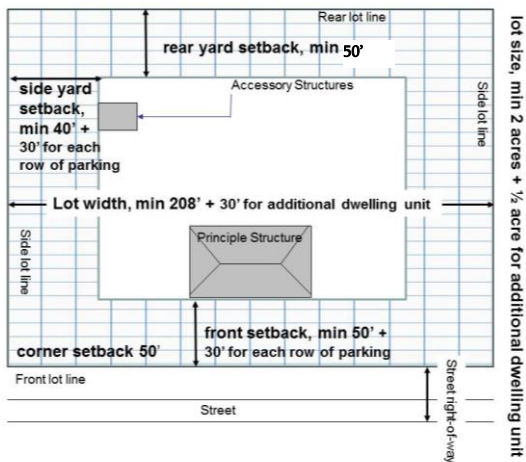
TABLE 5 USES/DIMENSIONS: MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Multiple-Family Residential District, R-B	
Permitted by Use	Special Land Uses
Agricultural and forestry Activities	Bed and Breakfast
Childcare organizations	Cottage Industry
Institutions: Religious	Home occupations
Multiple family dwellings	Institutions: Educational, Human Care
Parks	Medical hardship housing opportunity
Raising and keeping of small animals	Personal services
Roadside stands	Professional office/office services
Single-family dwellings	Sand and gravel pits, earth extractions
State licensed residential facilities for 6 or fewer residents	State licensed residential facilities for 7-20 residents
Two-family dwellings	Wireless communication facilities
Accessory uses	



R-B Two-Family

- Min lot: 1.25 acres
- Min width: 165 ft
- Front yard setback: 50 ft (50 ft)
- Side yard setback: 20 ft (20 ft)
- Rear yard setback: 25 ft (25 ft)
- Corner setback: 50 ft
- Min 1st floor: 720 sq ft
- Min bldg width: 14 ft
- Max bldg ht: 35 ft



R-B Multiple Family

- Min lot: 2 acres + 0.5 acre for additional dwelling unit
- Min width: 208 ft + 30 ft for additional dwelling unit
- Front yard setback: 50 ft + 30 ft for each row of parking (50 ft)
- Side yard setback: 40 ft + 30 ft for each row of parking (20 ft)
- Rear yard setback: 50 ft (25 ft)
- Corner setback: 50 ft
- Min 1st floor: 720 sq ft
- Min bldg width: 14 ft
- Max bldg ht: 45 ft

() indicates accessory structures

TABLE 6 USES: MANUFACTURED HOME PARK DISTRICT

Manufactured Home Park District, R-C	
Permitted by Use	Special Land Uses
Agricultural and forestry activities	Home occupations
Childcare organizations	Institutions: Social
Dwellings above the first floor	Personal services
Institutions: Religious	Professional offices/office services
Manufactured Home Developments	Recreation, outdoor
Parks	State licensed residential facilities, 7-20 residents
Raising and keeping of small animals	Temporary indoor and outdoor uses
Roadside stands	
State licensed residential facilities for 6 or fewer residents	
Accessory uses	

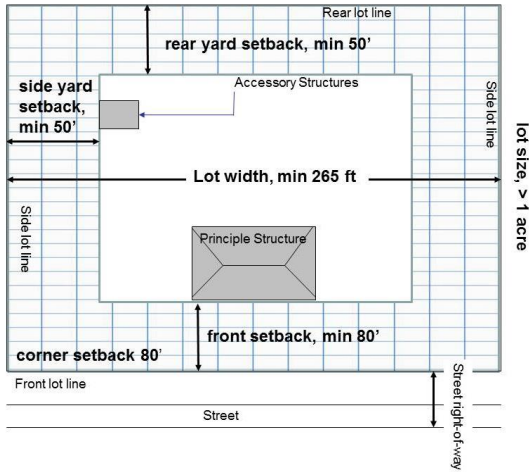
TABLE 7 USES/DIMENSIONS: COMMERCIAL DISTRICT

Commercial District, C	
Permitted by Use	
Agricultural and Forestry Activities	Parks
Assembly buildings	Personal services
Bars/taverns	Professional offices/office services
Childcare organizations	Recreation, indoor
Commercial schools	Research and development
Cottage Industry	Restaurants
Drive-through establishments	Retail business
Dry Cleaner/laundry	Roadside stands
Dwellings above the first floor	Sawmill, lumbering
Equipment, rental and sales	Stable, public or private
Funeral homes/mortuaries	State licensed residential facilities, 7-20 residents
Gas station/service station	Temporary indoor and outdoor uses
Greenhouses	Theaters, including drive-ins
Heavy vehicle, equipment repair and sales	Towing operations
Hotel/motel	Vehicle repair, sales and wash
Institutions: Cultural, Educational, Human Care, Rehabilitation, Religious, Social	Veterinary hospital/clinics
Kennels, commercial	Warehousing and Storage
Laboratories	Wholesale sales
Lumberyards	Wireless communication facilities
Ministorage	Accessory uses
Outdoor commercial sales and use	
Special Land Uses	
Institutions: Substance Abuse	Sand and gravel pits, earth extraction
Recreation, outdoor	Wind energy, utility
<ul style="list-style-type: none"> • Min lot: 1 acre • Min width: 132 ft • Front yard setback: 50 ft • Side yard setback: 25 ft • Rear yard setback: 30 ft • Corner setback: 50 ft • Min 1st floor: none • Min bldg width: none • Max bldg ht: 45 ft 	

TABLE 8 USES/DIMENSIONS: INDUSTRIAL DISTRICT

Industrial District, I	
Permitted by Use	
Agricultural and forestry activities	Manufacturing
Agricultural bulk storage and processing	Ministorage
Assembly buildings	Outdoor commercial sales and use
Bars and taverns	Parks
Childcare organizations	Personal services
Commercial schools	Professional offices/office services
Contractors storage yards	Production, processing, assembling, treatment or packaging of goods
Cottage industry	Public utility/service installations
Distribution and terminals	Recreation, indoor
Drive-through establishments	Recreation, outdoor
Dry cleaners/laundry	Research and development
Dwellings above the first floor	Roadside stands
Equipment, rental and sales	Sawmill, lumbering
Fuel sales, bulk	Temporary indoor and outdoor uses
Gas stations/service stations	Theaters, including drive-ins
Grain and seed elevators	Towing operations
Greenhouses	Vehicle repair, sales and wash
Heavy vehicle, equipment repair and sales	Veterinary hospital/clinic
Hotel/motel	Warehousing and storage
Industrial parks	Wholesale sales
Institutions: cultural, educational human care, incarceration, rehabilitation, religious, social, substance abuse	Wireless communication facilities
Laboratories	Accessory uses
Lumber yards	
Special Land Uses	
<u>Incinerators</u>	
<u>Junkyards, scrap yards, salvage yards and landfills; resource recovery</u>	
<u>Reduction, conversion and disposal of waste</u>	
<u>Sand and gravel pits, earth extraction</u>	
<u>Sewage treatment and disposal</u>	
<u>Sexually oriented business</u>	
<u>Temporary building and structures</u>	
<u>Wind Energy, utility</u>	

Industrial District, I



- Min lot: > 3 acre
- Min width: 265 ft
- Front yard setback: 80 ft
- Side yard setback: 50 ft
- Rear yard setback: 50 ft
- Corner setback: 80 ft
- Min 1st floor: none
- Min bldg width: none
- Max bldg ht: 45 ft

TABLE 9 DIMENSIONS BY DISTRICT

Dimensions	AG	R-A	R-B Two-family	R-B Multiple family	R-C	C	I
Min lot	1 acre	1 acre	1 ¼ acres	2 acres + ½ acre for additional dwelling unit	See Section 3.7 for Development Requirements	1 acre	>3 acres
Min width	132 ft	132 ft	165ft	208 ft + 30 ft for additional dwelling unit		132 ft	265 ft
Front yard setback	50 ft (50ft)	50 ft (50ft)	50 ft (50ft)	50 ft from road ROW + 30 ft for each row of parking (50ft)		50 ft	80 ft
Side yard setback	20 ft (20ft)	20 ft. (20ft)	20ft (20ft)	40 ft + 30 ft for each row of parking (20ft)		25 ft	50 ft
Rear yard setback	25 ft (25 ft)	25 ft (25 ft)	25 ft (25 ft)	80 ft (25ft)		30 ft	50 ft
Corner setback	50 ft	50 ft	50 ft	50 ft		50 ft	80 ft
Min 1st floor	720 sq ft	720 sq ft	720 sq ft	720 sq ft		None	None
Min width	14 ft	14 ft	14 ft	14 ft		None	None
Max Building height	35 ft	35 ft	35 ft	45 ft		45 ft	45 ft

() indicates accessory structures

SECTION 3.7 MANUFACTURED HOME PARK DISTRICT, R-C - REGULATIONS

a. INTERNAL ROADS.

- 1) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.
- 2) Dead end internal roads shall terminate with a turning radius of fifty (50) feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.
- 3) A safe-sight distance of two hundred fifty (250) feet shall be provided at intersections.
- 4) Offsets at intersections, or intersections of more than two (2) internal roads are prohibited.
- 5) Internal roads shall have driving surfaces with widths not less than the following:
 - a) No parking, twenty-one (21) feet.
 - b) Parallel parking, one (1) side, thirty-one (31) feet.
 - c) Parallel parking, two (2) sides, forty-one (41) feet.
- 6) All entrances to new communities or new entrances to expanded communities shall be a minimum of thirty-three (33) feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:
 - a) All turning lanes shall be a minimum of eleven (11) feet in width and sixty (60) feet in depth measured from the edge of the pavement of the public road into the community.
 - b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty (60) feet.
 - c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
 - d) Alternative designs that provide for adequate ingress and egress shall be approved by the Department of Labor and Economic Growth, Manufactured Housing Commission, [DLEG](#).
- 7) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), which is available from the American Association of State Highway &

Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, <https://bookstore.transportation.org/support.aspx>

- 8) The community developer may use other suitable material of equal quality if approved by the Department of Labor and Economic Growth, Manufactured Housing Commission, [DLEG](#).
- 9) A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.
- 10) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within one hundred (100) feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of [1949 PA 300, MCL 257.1 et seq.](#)
- 11) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
- 12) Internal roads shall be named and so identified by signs located at all internal road intersections.
- 13) Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.
- 14) Vehicle Parking.
 - a) All home sites shall be provided with two (2) parking spaces at the home site. Vehicle parking shall be in compliance with both of the following provisions:
 - i. The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two (2) parking spaces shall not be less than twenty (20) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.
 - ii. A parking space shall be hard-surfaced.
 - b) Additional parking facilities.
 - i. A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve. The five hundred (500) feet shall be measured along a road or sidewalk.
 - ii. If parking bays are provided, then they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.

- b. ILLUMINATION. All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:
- 1) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
 - 2) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
 - 3) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
 - 4) If a central park, mail box, or park directory, or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
 - 5) All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.
- c. MOBILE HOME INSTALLATION. Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the [Manufactured Housing Commission rules](#).

Chapter 4 ■ General Regulations

SECTION 4.1 USE REGULATIONS

- a. **INOPERATIVE OR DISMANTLED VEHICLES.** The storage of dismantled, wrecked and/or unlicensed vehicles within any district is regulated according to the Lee Township Blight Ordinance.
- b. **DUMPSTERS.** All permanent dumpsters must be screened in all districts except Agriculture and Industrial.
- c. **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.
- d. **NONCOMMERCIAL DOMESTICATED ANIMALS.** Large domestic animals which are used essentially for pets, contests, riding, educational or other special purposes as individual animal specimens are permitted in the Residential District on a minimum five (5) acres, unless in conflict with the [Michigan Right to Farm Act 93 of 1981](#). Housing and animal manure sites or containers for all animals shall be located at least one hundred (100) feet from the property line.
- e. **COMMERCIAL FARM ANIMALS.** All commercial farm animal structures excluding fences must be at least fifty (50') from all property lines and one hundred (100') from all dwellings excluding the dwelling on the property with the commercial farm animal, unless in conflict with the [Michigan Right to Farm Act 93 of 1981](#).
- f. **WILD OR EXOTIC ANIMALS.** No wild, exotic or vicious animal shall be kept permanently or temporarily in any district in the Township except in an accredited American Association of Zoologies Parks and Aquariums facility.
- g. **OUTDOOR WOOD FIRED HEATERS:** Regulated in Accessory Buildings.

SECTION 4.2 DWELLING REGULATIONS

- a. **ONE (1) MOBILE HOME MAY BE PLACED TEMPORARILY ON A PARCEL.** The Mobile Home may house only the owner(s) of the parcel and immediate family members during the repair or construction of a Single Family Home. The Temporary Permit shall be valid for up to six (6) months and may be issued by the Code Authority or designee under emergency conditions. The temporary building must be removed upon expiration of the temporary permit.
- b. **ONE SINGLE FAMILY DWELLING PER PARCEL.** Unless the structure is part of an approved Planned Unit Development, only one (1) single family dwelling will be allowed to be erected on a parcel.
- c. **ACCESSORY BUILDING NOT FOR DWELLING USE.** No portion of an accessory building in any zoning district is to be used as a dwelling.

- d. ATTACHED GARAGE YARD REQUIREMENTS. Attached garages shall be considered part of the principal building for the purpose of computing required yards.

SECTION 4.3 PARCEL REGULATIONS

ACCESS TO A STREET. All parcels created after the effective date of this Ordinance shall have access to a public street or approved private road. If more than two dwellings are accessed by one driveway, a private road must be constructed according to the Private Road Ordinance of the Township.

~~SECTION 4.4 STRUCTURE REGULATIONS~~

- ~~a. PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS list of the DISTRICT REGULATIONS chapter, must be adhered to, as well as any requirements listed herein.~~
- ~~1) Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.~~
 - ~~2) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one half (2.5') feet.~~
 - ~~3) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.~~
 - ~~4) Signs, subject to provisions of [Chapter 6](#).~~
- ~~b. PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.~~
- ~~1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in the Commercial Zoning District and sixty (60') feet in the Industrial Zoning District.~~
 - ~~2) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the Commercial Zoning District or in any Industrial Zoning District.~~
 - ~~3) Structures for purely ornamental purposes such as religious spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments shall not exceed seventy-five (75') feet in height.~~
 - ~~4) Residential television antennas, wind turbines or flagpoles shall be permitted to a maximum height of sixty-five (65') feet in any Residential Zoning District.~~
- ~~c. ACCESSORY BUILDINGS OR ACCESSORY STRUCTURES IN ANY DISTRICT. Accessory structures and buildings may not be inhabited. No accessory building (except~~

~~for school bus shelters) shall be placed any closer than ten feet to any other building.
Accessory Buildings include but are not limited to:~~

- ~~1) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreational area.~~
- ~~2) Home occupations.~~
- ~~3) Use of premises as a voting place.~~
- ~~4) Storage sheds, Pole Barns, detached garages, and shelters for transit or school bus passengers.~~

SECTION 4.5 BUFFERING REGULATIONS

The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

- a. The objectives of this approach are:
 - 1) To give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means.
 - 2) To encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.
- b. Buffers are required for cottage industry, commercial or industrial property on the side which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.
- c. A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation as described in this Ordinance by a fence, wall, berm or screen.
- d. The Planning Commission shall determine the character of the buffer based on the following criteria:
 - 1) Traffic impact
 - 2) Increased building and parking lot coverage.
 - 3) Increased outdoor sales, display and manufacturing area.
 - 4) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
 - 5) Visual, noise and air pollution levels.

6) Health, safety and welfare of the Township .

e. A buffer may consist of any or all of the following:

1) Buffer area distance. The distance required to be achieved between zones, in addition to the required yard on the side on which a residential district abuts a business or manufacturing district, shall be according to the following table:

District	Distance between AG zones	Distance between R-A and R-B zones
I	45'	45'
C	30'	30'

2) The equivalent of one canopy tree and one evergreen tree must be planted per thirty (30') lineal feet or fraction of buffer area length.

3) Continuous rolling screen six (6') feet in height comprised of plant material, berming, screen walls or fences or any combination of these elements is required.

f. Construction Standards:

1) If a screen wall or fence is used for all or part of the buffer area then:

a) The equivalent of two (2) shrubs are required per thirty (30') feet of wall or fence with at least fifty (50%) percent being twenty-four (24") inches high at the time of planting and none being less than twelve (12") inches at the time of planting.

b) All required plants shall be placed on the side facing the exterior.

c) Two (2) evergreen trees must be planted for every thirty (30) linear feet or fraction of buffer area length must be planted.

d) Continuous rolling screen at least six (6') feet in height comprised of plant material, berming, screen walls or fences, or any combination of these elements is required.

e) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.

2) All areas outside of planting beds shall be covered with grass or other living ground cover.

3) Minimum Standards for Berms:

a) Berms shall be constructed so as to maintain a side slope not to exceed one foot (1) rise to three foot (3') run ratio.

b) Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition. In addition to district

requirements, the equivalent of one canopy tree and one evergreen tree per twenty (20') linear feet or fraction of buffer area achieves a minimum of six (6) feet high on average. Additional landscaping must be used within any areas that do not have a berm six (6) feet high.

- c) Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
 - d) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- 4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
 - 5) Buffers are required to extend into the front yard area but shall not be closer to a road right of way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right of way if it deems it necessary to accomplish the intent of this ordinance.
 - 6) All plantings including grass must be maintained in good, healthy condition and must be replaced if they should die at any time.
 - 7) Buffer areas. A drawing of all required landscaping, top and side profile must be submitted to the Planning Commission for review prior to site plan approval.
 - 8) The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned.

SECTION 4.6 NONCONFORMITIES

- a. **INTENT.** It is the intent of this section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- b. **HISTORIC PROPERTIES.** Any nonconforming property in Lee Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.

Historic buildings and structures built or located in 1930 or before may be enlarged, increased or extended to occupy a greater area of land than was occupied at the

effective date of this Ordinance, provided such expansion, enlargement, extension or location is approved by the Planning Commission and further subject to site plan approval in accordance with [Chapter 8 - Site Plan Review](#). In approving or disapproving site plans, the Planning Commission shall consider off-site impacts of the structure on abutting and surrounding uses, especially residences

- c. **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.
- 1) **ILLEGAL** nonconformities are those that have been developed in conflict with zoning regulations.
 - 2) **LEGAL** nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.
 - a) The nonconformity existed legally before the effective date of this Ordinance.
 - b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
 - c) **Nonconforming Setback or Lot Size only:** The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.
 - d) **Nonconforming Buildings or Structures only:** The building or structure does not extend into a public right-of-way, or over a neighboring property line.
- d. **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of one year or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- e. **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way. This regulation excludes single family homes in the commercial and industrial districts.
- f. **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use damaged by fire, explosion or act of God, or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the footprint of the existing structure. If the damage includes greater than 40% of the structure, the entire structure must be brought up to the current building code.

All such restoration must be started within a period of one year of the time of such damage and diligently pursued to completion. The Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Board of Appeals under the provisions of this section. Any basements, large holes, etc. remaining on the site after removal of the structure shall be filled in and leveled within ninety (90) days of removal of the structure. Residential structures in the commercial district are

exempt from these requirements. Residential structures undergoing reconstruction or restoration for purposes of providing handicapped facilities are exempt from these requirements.

- g. **REPAIR.** Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Residential structures undergoing repair for purposes of providing handicapped facilities are exempt from these requirements.
- h. **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- i. **NONCONFORMING LOTS.** In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.

Chapter 5 ■ Parking

SECTION 5.1 INTENT

This Section is intended to provide efficient and safe access management and adequate parking area for specific uses as well as promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

SECTION 5.2 CONSTRUCTION AND DESIGN

Regulations in this section apply to all nonresidential uses in all districts.

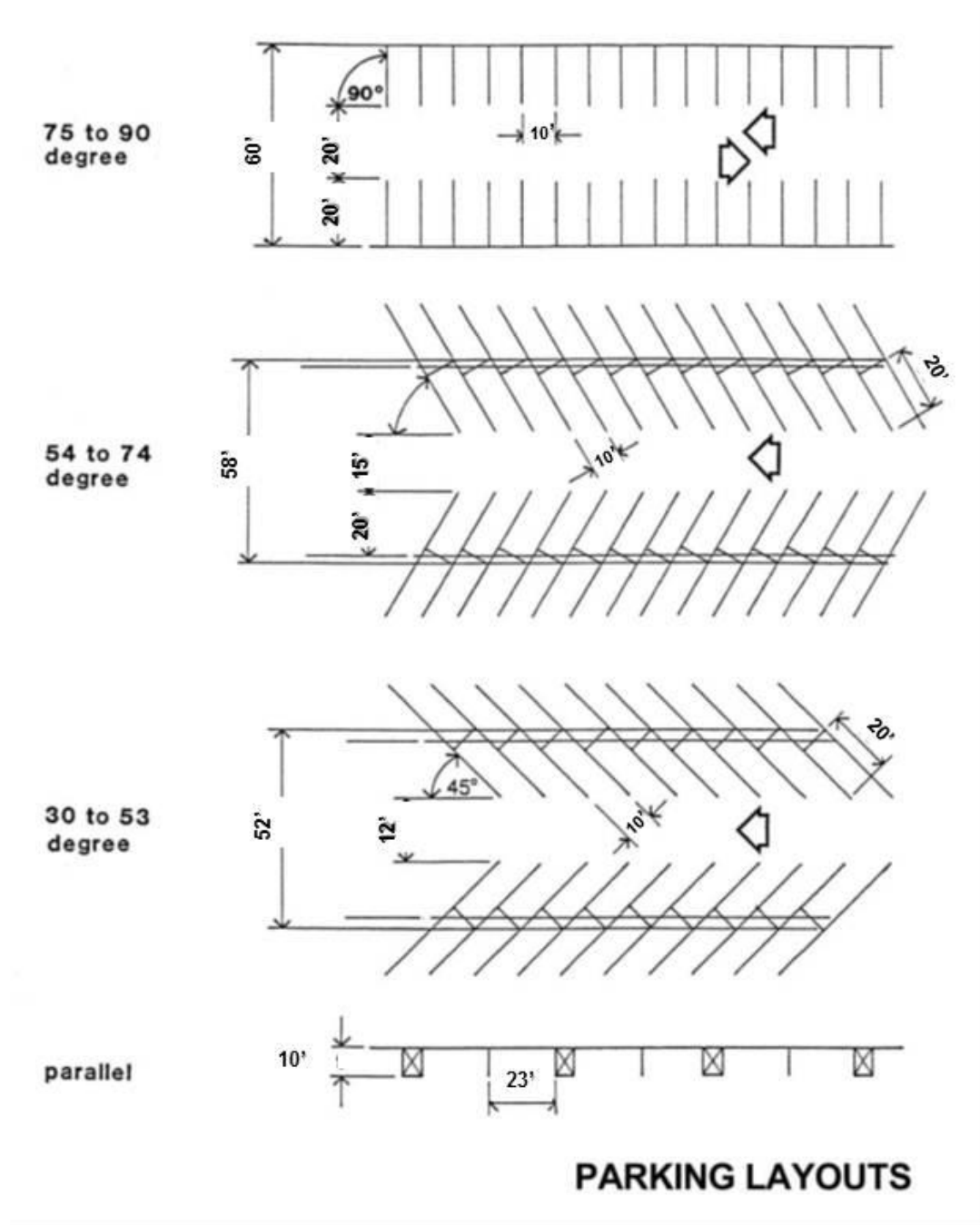
- a. APPLICATION. All developers of new or revised parking areas shall submit plans to the Township Zoning Administrator or designee showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. The site plan for any new or revised parking areas shall be presented for site plan approval to the Planning Commission and drainage approval to the Department of Public Works.
- b. STANDARDS. The design and construction of parking areas shall conform to the following requirements: (See [Midland County Road Commission](#) standards for County Roads.)
 - 1) Parking spaces shall be at a minimum ten (10') feet by twenty (20') feet in size. This does not include access drives and aisles. Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
 - 2) HANDICAPPED SPACES – All parking areas shall meet the requirements of all current Barrier Free Design specifications for Michigan.
 - 3) LIGHTING. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall spill beyond the lot lines of the property upon which it is located. Off-street parking areas provided for any multiple family housing, business, industrial or institutional use may be provided with sufficient lighting to allow safety for users at any time.
 - 4) DRAINAGE. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and the drainage area shall be constructed of graded aggregate materials.
 - 5) DRIVEWAY OPENING. Each off-street parking driveway opening to a public street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the public street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a public street at a ninety (90°) degree angle where possible.
 - 6) CLEAR VISION AREA. All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within twenty (20') feet of

any Public Street Right-of-Way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction .(Road Commission MDOT Regulations.)

- 7) STRIPING. Except for parallel parking, all parking spaces on paved surfaces shall be clearly marked with STRIPING that shall be maintained.
- 8) LANDSCAPING. Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- 9) LAYOUT. Plans for the layout of parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane (Aisle) Width, ft.	Parking Space Width, ft.	Parking Space Length, ft.	Total Width of One Tier of Spaces Plus Maneuvering Lane, ft.	Total Width of Two Tiers of Spaces Plus Maneuvering Lane, ft.
0° (parallel parking)	12	10	23	20	28
	24	10	23	32 – one-way	40 – two-way
30° to 53°	12	10	20	32	52
54° to 74°	15	10	20	36 ½	58
75° to 90°	20	10	20	40	60

- 10) SCREENED. Screening must be provided according to the buffering requirements in [Chapter 4](#).
- 11) SURFACE. In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be paved surface with an asphalt, concrete, or similar durable surface, and shall be graded and drained to dispose of all surface water.
 - a) GRAVEL. This surface must be of a material that provides a durable, smooth parking lot which is graded to properly drain and dispose of storm water. Dust Mitigation measures must be implemented.
 - b) PAVED (HARD SURFACED). Pavement must consist of at least six inches (6") of reinforced concrete or two inches (2") of bituminous surface laid over six inches (6") of compacted crushed stone.



- c. **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding agricultural single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of

new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- d. **DRIVEWAY CLOSURE.** Nonconforming driveways, per this Ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review in instances where there is redevelopment or a change in use.
- e. **BONUS FOR COMBINED PARKING:** In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:
 - 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
 - 2) For three (3) uses, seventy-five (75%) percent.
 - 3) For four (4) uses, seventy (70%) percent.
 - 4) For five (5) or more, (65%) percent.
 - 5) In no case shall less than sixty-five (65%) percent be allowed.
- f. **EMPLOYEE PARKING:** Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. Handicapped parking shall be required.

SECTION 5.3 RESIDENTIAL DISTRICTS

- a. **APARTMENTS.** Apartments require two (2) spaces per dwelling unit. Parking areas must be on an approved hard surface.
- b. **OTHER USES.** For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership and shall be paved.
- c. **REPAIR WORK.** No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

SECTION 5.4 COMMERCIAL DISTRICTS

- a. **OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.**
 - 1) An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
 - 2) Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.

- 3) Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
- 4) No space shall be located closer than fifty (50') feet to any lot in any residential district, unless enclosed on all sides facing residential zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
Car Wash and Quick Oil Change	Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
Childcare Center	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer and Township Supervisor.

Source: American Planning Association Parking publications

SECTION 5.5 NUMBER OF PARKING SPACES REQUIRED

Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator or designee. Handicapped parking shall be provided.

- a. FLOOR AREA. In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
- b. SINGLE USES. In cases where there is a single specified use, the following regulations shall apply:

TABLE 10 PARKING SPACES BY USE

Use	Parking Spaces
Barber and beauty shops.	Two (2) parking spaces for each chair or booth.
Bowling alleys.	Four (4) parking spaces for each bowling lane. If in addition to alleys, patrons are provided with assembly halls, bars, restaurants, or other businesses, additional off-street parking spaces will be required in accordance with regulations of this section for the uses.
Commercial recreation (outdoor).	Twenty-five (25%) percent of lot area, but in no case less than ten (10) parking spaces.
Commercial recreational (indoor).	One (1) parking space for each one hundred (100) square feet of building floor space.
Dance hall, roller rink, assembly hall.	Without fixed seats, five hundred (500%) percent of the building floor area used for dancing or assembly. One (1) for each three (3) seats or one (1) for each one hundred (100) square feet of gross floor area.
Funeral homes.	Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle.
Furniture sales, retail.	One (1) parking space for each five hundred (500) square feet of building floor area.
Gasoline service stations.	One (1) parking space for each employee on the largest shift, plus one for each service bay.
Hospitals and convalescent homes.	One (1) parking space for each hospital bed and one (1) parking space for each three (3) rest home beds.
Laundromats.	One (1) parking space for every two (2) washing machines or two hundred (200) square feet of gross building floor area, whichever is greater.
Libraries and Museums.	One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
Livestock Auction.	One (1) space for each one hundred (100) square feet of building, pens, and all enclosed areas on the premises of the auction facility.
Motels, hotels, motor courts, tourists or lodging homes, trailer courts, and clubs	. One parking space for each sleeping room. If, in addition to sleeping rooms, patrons are provided with assembly halls, bars, restaurants, retail shops or other businesses, additional off-street parking spaces shall be required for the other uses in accordance with the regulations of this section for those uses. Parking reductions may apply.

Use	Parking Spaces
Office buildings, including banks, business and professional offices.	One (1) parking space for each two hundred (200) square feet of building floor area, but in no case less than five (5) spaces.
Places of public assembly.	One (1) parking space for each three (3) seats or where those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat.
Private clubs and lodges.	One (1) for each three (3) active members and one (1) for each employee normally engaged in and about the premises, with a minimum of one (1) for each one hundred (100) square feet of floor space.
Restaurants, taverns, bars, cocktail lounges, and similar eating establishments.	One (1) parking space for each four (4) seats provided for patron use.
Retail sales and personal services self-serve food market or supermarket.	Parking area equivalent to one (1) space per one hundred fifty (150) square feet of the public floor area. In addition, for uses over 100,000 square feet of retail use, a maximum of 1 space per 150 square feet shall be permitted.
Schools: Private or Public Elementary, Middle and High Schools.	One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity and one (1) for each eight (8) auditorium seats.
Senior High School and Institutions of Higher Learning, Private or Public.	One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.
Theaters, auditoriums, stadiums.	One (1) parking space for each four (4) seats.
Vehicle sales.	One parking space per each five hundred (500') square feet of sales floor area.
Vehicle service garages.	One parking space for each five hundred (500') square feet of building floor area.
Warehouses, storage buildings, lumber and supply yards, wholesale sales.	Two (2) parking spaces for each employee. If retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement.

~~Chapter 6 ■ Signs~~

~~SECTION 6.1 SCOPE~~

~~These standards are adopted to:~~

- ~~a. Enhance pedestrian and traffic safety, minimize driver distraction.~~
- ~~b. Preserve public health, safety, and welfare.~~
- ~~c. Avoid excessive signage.~~
- ~~d. Protect and enhance the scenic views and natural landscapes.~~
- ~~e. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.~~
- ~~f. Promote the use of aesthetically pleasing sign materials, colors and landscaping.~~
- ~~g. Enhance the effectiveness of necessary directional and warning signs.~~
- ~~h. Preserve property values.~~
- ~~i. Provide for the effectiveness of permitted signs.~~

~~SECTION 6.2 PERMIT PROCEDURE~~

~~Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Township Code Authority or its designee. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit:~~

- ~~a. ACTIONS EXEMPT FROM PERMITTING. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.~~
 - ~~1) REPLACING COPY. The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.~~
 - ~~2) MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.~~
- ~~b. APPLICATIONS. Application for a permit to construct or locate a permanent sign shall be obtained from the Township Code Authority or its designee. Review of applications can be done through the site plan review process in instances where a site plan is required. The application shall include the following information:~~
 - ~~1) Name, address, telephone number of the landowner, developer, or petitioner.~~
 - ~~2) A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and~~

- property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
- 3) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
 - 4) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
 - 5) The proposed dates of construction and completion of the sign.
 - 6) Structural information necessary to comply with all current building codes.
 - 7) In the case of a portable sign, the length of time the proposed sign will be on the site.
- c. TEMPORARY/PORTABLE SIGNS. Portable or temporary signs are allowed 4 times each year per parcel for a maximum of 30 days each time the sign is displayed. This time period may run consecutively.

SECTION 6.3 SIGNS ALLOWED

TABLE 11 TABLE OF SIGNS ALLOWED

District	Type	# per Parcel	Maximum square footage per sign	Placement	Height
Residential Farming (Agricultural)	•Non dwelling use sign	1	16 sq. ft.	Within required yard	5 ft.
	•Small sign	1	16 sq. ft.	Within required yard	5 ft.
	•Wall sign	1	16 sq. ft.	Anywhere on bldg.	Wall Height
	•Portable/Temporary	1	32 sq. ft.	Within required yard	5 ft.
	• Home Occupation	1	16 sq. ft.	Within required yard	5 ft.
	• Cottage Industry - nonilluminated	1	16 sq. ft.	Within required yard	5 ft.
Residential	•Non dwelling use sign	1	16 sq. ft.	Within required yard	5 ft.
	•Small sign	1	16 sq. ft.	Within required yard	5 ft.
	•Wall sign	1	16 sq. ft.	Any wall	Wall Height
	•Portable/Temporary	1	32 sq. ft.	Within required yard	5 ft.
	• Home Occupation	1	16 sq. ft.	Within required yard	5 ft.
Commercial (Requires a permit)	•Wall	Total wall signage may not exceed 32 sq. ft.		Anywhere on bldg.	Wall Height
	•Monument/freestanding	1	32 sq. ft.	Within required yard	12 ft.
	•Marquee/Canopy	1	32 sq. ft.	On structure	Highest eave
Industrial (Requires a permit)	•Portable/Temporary	1	32 sq. ft.	Within required yard	5 ft.
	•Wall	1	32 sq. ft.	Anywhere on wall	Height of wall
	•Monument/freestanding	1	32 sq. ft.	Within required yard	12 ft. at grade of lot line

NOTES TO TABLE

- 1) In the case of through lots and corner lots, excluding through lots on a corner, (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
- 2) Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1) foot by four (4) feet for each business within the business center. The entire sign shall not exceed thirty-two (32) feet in height. If more than five (5) businesses are located in one

- center, additional monument signs will be allowed using the same one (1) foot by four (4') foot signs. One (1) wall is allowed per individual business of thirty-two (32) square feet in a strip mall or mini mall.
- 3) Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
 - 4) One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
 - 5) Parcels with greater than four hundred (400) lineal feet of frontage may be granted additional signage at the site plan review phase.
 - 6) In the Agricultural, Single and Multi-Family districts, only nondwelling use signs may be illuminated provided that the light is not visible from any street or adjoining property.
 - 7) Garage Sale signs are not included in Portable/ Temporary signs. See Section 6.4 item "j".

SECTION 6.4 SIGNS EXEMPT FROM PERMIT REQUIREMENTS

The following exempt Signs are allowed in all zoning districts within the Township. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

- a. Historical or Memorial Signs or tablets, not to exceed eight (8) square feet in area, containing the name of the building and date of erection.
- b. Centennial farm signs.
- c. Address and identification of farms and homes within the maximum square footage, height and placement limitations.
- d. Signs painted on or permanently attached to legally licensed vehicles that are used upon the highways for transporting persons, goods or equipment.
- e. Traffic or other municipal Signs including, but not limited to, the following, legal notices, historic site designations, municipal facility directional Signs, street or traffic Signs, railroad crossing Signs, danger and other emergency Signs as may be approved by the Township Board or any Federal, State or County agency having jurisdiction over the matter of the Sign. Such Signs may be located in any zoning district. However, all Signs on governmental property on which a municipal building is located shall meet the commercial zoning district requirements state herein at the discretion of the Township Code Authority or designee.
- f. Community special event Signs approved by the Township Board or Township Supervisor.
- g. One Sign advertising parcels of land or building for rent, lease or sale, when located on land or building intended to be rented, leased or sold, not exceeding six (6) square feet in area, four (4) feet in height in residential districts and twenty-four (24) square feet in area, six (6) feet in height in office, commercial and industrial districts.

- ~~h. Signs of a decorative nature, not used for any commercial purpose and commonly associated with any national, local or religious holiday; provided that such Signs shall be displayed for a period of not more than sixty (60) consecutive days, nor more than sixty (60) days in any one year.~~
- ~~i. Political campaign Signs, not to exceed one sign per candidate or issue, and not to exceed thirty-two (32) square feet of area per Sign, shall be permitted on all occupied lots, regardless of zoning. Political campaign Signs may not be displayed more than ten (10) days after an election for which they are related. [Attorney General Opinion on Political Campaign Signs](#)~~
- ~~j. Garage sale signs not exceeding five (5) square feet in area and not displayed in excess of three (3) days.~~
- ~~k. One Sign identifying on site construction activity, during the time of construction, not exceeding thirty-two (32) square feet in area. Such Signs shall not exceed five (5) feet in height.~~
- ~~l. Help wanted Signs not exceeding six (6) square feet in area and four (4') feet in height may be displayed on private property for a period of up to four (4) weeks at a time and not more than four (4) times within each calendar year.~~
- ~~m. Painting, re-painting, cleaning, maintenance, repair, and change of Sign message or graphics shall not be considered erection or alteration of a Sign which requires issuance of a Permit, provided that no structural alterations or additions to the display area are made.~~
- ~~n. Private traffic control on private property such as directional Signs. Such Signs may not exceed one and one half (1½) square feet or three (3') feet in height.~~

~~SECTION 6.5 PROHIBITED SIGNS~~

~~Signs are prohibited that:~~

- ~~a. Are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or emergency vehicle.~~
- ~~b. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.~~
- ~~c. Are not properly anchored or secured to a building or the ground.~~

~~SECTION 6.6 ILLUMINATION~~

- ~~a. LED, LCD, and all other changeable forms of lighted signs fall under this regulation.~~
- ~~b. There shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Township Code Authority or designee.~~
- ~~c. In the Agricultural, Single and Multi-Family districts, only nondwelling use signs may be illuminated. Cottage Industry signs may not be illuminated.~~

~~SECTION 6.7 CONSTRUCTION AND MAINTENANCE~~

~~The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the Township Code Authority or designee is satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Code Authority or its designee.~~

~~SECTION 6.8 ABANDONED SIGNS~~

~~A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within 30 days of the termination of business, the Township Code Authority or designee may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.~~

Chapter 7 ■ Special Use Permits

SECTION 7.1 INTENT, PURPOSE AND PROCESS

- a. **INTENT/PROCESS.** Regulation of Special Uses may include up to three separate steps. First is the possibility of a rezoning being required to accommodate the special use. Second is the review of the Site Plan for the proposed use. Third is the decision of whether a Special Use Permit will be granted.



- b. **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
- 1) The nature, location, and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the permitted uses of the adjacent lands or buildings.
 - 2) The special use shall not increase traffic hazards or cause congestion on the public roads of the area. Adequate access to the parcel shall be provided.
 - 3) The water supply and sewage disposal system shall be adequate for the proposed special use.
 - 4) Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare lights, or disposal of waste than the operation of any principal permitted use, nor shall the use increase hazards from fire or other dangers to either the property or adjacent property.
 - 5) This special use shall be consistent with the intent and purpose of this Ordinance and in conformance with the intent of the Lee Township Master Plan, shall be compatible with the natural environment, and shall protect the public health, safety and general welfare.
- c. **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
- d. **PERMANENCE.** Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance,

have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may be revoked for violation of permit provisions.

SECTION 7.2 HOW A SPECIAL USE PERMIT IS REVIEWED

- a. **SUBMISSION OF APPLICATION.** The application package is to be submitted to the Township Zoning Administrator or designee.
 - 1) **CONTENTS.** The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township Board.
 - 2) **APPLICATION DEADLINE.** The complete application package must be submitted to the Zoning Administrator or designee at least thirty (30) days before the Planning Commission meeting at which it will be considered.
- b. **CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - 1) **SEPARATE.** The rezoning shall be considered separately & prior to the Special Use Permit.
 - 2) **PROCEDURES.** The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board, after submission to the County Planning Commission if there is one.
 - 3) **STANDARDS.** All standards required by this Ordinance shall be observed for each action.
 - 4) **PUBLIC HEARINGS.** The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- c. **PLANNING COMMISSION REVIEW AND HEARING.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
 - 1) **PUBLIC HEARING ON SPECIAL USE.** The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
 - a) **NOTICE.** A notice of public hearing shall be mailed to all parties specified in the Administration chapter and published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of such hearing.

- b) ~~DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.~~
- 2) ~~SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in the Site Plan chapter and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.~~
- a) ~~PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.~~
- b) ~~IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.~~
- 3) ~~CONSIDERATION OF SPECIAL USE PERMIT. Following the close of the public hearing, consideration of the Special Use permit shall take place.~~
- a) ~~OPEN MEETING. Note that the Open Meetings Act requires this vote to take place in an open public meeting.~~
- b) ~~PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.~~
- d. ~~REAPPLICATION. An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.~~
- e. ~~TERMS OF PERMIT. A Special Use Permit consists of a permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission.~~
- f. ~~PERMIT LAPSE. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application. If it is anticipated that the use will be discontinued for one year or more and the applicant intends to restart the use according to the original permit specification, the~~

~~applicant may notify the Zoning Administrator or designee within 180 days of permit expiration for a one year extension.~~

~~g. REVOCATION. The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item e – Terms of Permit, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or “runs with the land.” However, the Planning Commission shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated.~~

~~1) FIRST NOTICE. The Zoning Administrator or designee shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.~~

~~2) CONSIDERED NONCONFORMING. From the time the Zoning Administrator or designee's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.~~

~~3) PLANNING COMMISSION ACTION. The Zoning Administrator or designee shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator or designee to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.~~

~~4) SECOND NOTICE AND ORDER. After expiration of the thirty (30) day period, the Zoning Administrator or designee shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.~~

~~5) ENFORCEMENT OF ORDER. Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.~~

~~h. STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.~~

~~1) STANDARDS ATTACHED TO SITE PLAN REVIEW. Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this Chapter.~~

~~2) ADDITIONAL CONDITIONS. The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may include but are not limited to changing the parking, lighting or building configuration to promote compatibility on the site. These may be defined during the Site Plan Review process or during consideration of~~

whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself, communicated to the applicant in writing, and based directly on the intent of this ordinance. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.

- 3) ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

SECTION 7.3 BED AND BREAKFAST

- a. A Bed and Breakfast must be licensed by the Township according to current licensing regulations. Please see the current state law for complete regulations.
- b. Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.
- c. Not more than twenty-five (25%) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- d. No bed and breakfast sleeping rooms shall be located in a basement or attic.
- e. Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay. Breakfast is the only meal that may be served to guests.
- f. Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
- g. Bed and breakfast occupants shall be limited to four (4) in (1) room at any one (1) time.
- h. The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- i. A maximum of six (6) persons per each restroom will be permitted.
- j. Signage must meet Home Occupation standards.
- k. All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to Township standards with materials which maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
- l. No additions to existing structures will be approved for the purpose of adding bed and breakfast space. New construction in residential zones will be permitted subject to review and approval of the Planning Commission.

- m. Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.

SECTION 7.4 COTTAGE INDUSTRY

- a. **INTENT.** It is the intent of this section to provide for limited uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such uses are known as cottage industries and are defined within this section.
- b. **SPECIAL USE STANDARDS.**
 - 1) The particular uses conducted by the cottage industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
 - 2) The use is environmentally sound regarding the project site and region.
 - 3) No additional service demands will be created by the use.
- c. **SPECIFIC STANDARDS**
 - 1) Not more than three (3) employees working on the premises in addition to the members of the family residing on the premises.
 - 2) The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes.
 - 3) Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, shall not exceed four thousand eight hundred (4,800) square feet. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), except as specifically provided by the special use permit.
 - 4) Signs as permitted in the Agricultural district list of signs.
 - 5) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.
 - 6) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.
 - 7) All dumpsters located on the property must be screened.
 - 8) All outside storage or other evidence of a cottage industry shall be screened from view from the road and all adjacent properties either by fencing, berming or vegetation. See Lee Township Blight Ordinance for additional Requirements.

SECTION 7.5 HIGH INTENSITY USES, SAWMILL, LUMBERING, WASTE TREATMENT AND DISPOSAL

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are:

- | | |
|--|---|
| <ul style="list-style-type: none"> ■ Agricultural Bulk Storage and Processing | <ul style="list-style-type: none"> ■ Reduction, conversion & disposal of waste goods and materials |
| <ul style="list-style-type: none"> ■ High Intensity Food Processing | <ul style="list-style-type: none"> ■ Salvage Yard, Scrap Yard, Junk Yard, Landfill |
| <ul style="list-style-type: none"> ■ Incinerators | <ul style="list-style-type: none"> ■ Sawmill, Lumbering |
| <ul style="list-style-type: none"> ■ Petroleum or flammable liquid production, refining and storage | <ul style="list-style-type: none"> ■ Sewage Treatment and Disposal |

- a. **GENERAL.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- b. **CONTRACTUAL AGREEMENTS.** The provisions of this section are not intended to diminish or alter the enforceability or application of any separate contractual agreements between the Township and any individual or company which owns a landfill or is involved with landfill operations.
- c. **TREE BUFFERS FOR LANDFILLS AND JUNKYARDS.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- d. **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Natural Resources and Environmental Quality, may be deposited or stored by any use in this group.
- e. **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- f. **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- g. **PERFORMANCE STANDARDS.** Where uses are within 200' of a residentially zoned area, excessive noise shall be contained through means established by the applicant and approved by the Planning Commission.

h. FENCE REQUIREMENTS:

- 1) AROUND LANDFILL OR INCINERATOR. Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which shall be locked during hours when no operation is taking place.
 - 2) AROUND JUNK YARD OR RESOURCE RECOVERY. Storage of junk should be screened by a solid fence or wall at least eight (8) feet in height. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
 - 3) AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY. All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.
- i. RESTORATION OF LANDFILL SITES. Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.
- j. The proposed use shall not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

SECTION 7.6 HOME OCCUPATIONS

Examples of Home Occupations include Bed and Breakfasts, Personal Services, Professional and Office Services, Small Item Repair and Fabrication among others, provided:

- a. The majority of activities are carried on in the home or in another structure on the property, e.g., a garage or pole barn.
- b. There should not be any external evidence of the operation of the Home Occupation, including traffic beyond that normally associated with a single-family dwelling.
- c. It does not employ any persons other than family members residing on the premises.

SECTION 7.7 INSTITUTIONS: CULTURAL, EDUCATIONAL, HUMAN CARE, RELIGIOUS, RETREATS, SOCIAL, STATE LICENSED RESIDENTIAL FACILITIES FOR 7-20 RESIDENTS

Institutions are subject to the following conditions:

- a. Direct ingress and egress shall be from a paved road unless determined to be unnecessary by the Planning Commission.

- b. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.
- c. Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.
- d. The proposed use shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.

SECTION 7.8 INSTITUTIONS: INCARCERATION, SUBSTANCE ABUSE REHABILITATION, HOMELESS SHELTERS

- a. Frontage and Access. Such uses shall front onto a county primary road. The main means of access to the facility for patients, visitors and employees shall be via the primary road. In no case shall access be off of a residential street.
- b. The principle building shall be setback at least seventy-five (75') feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.
- c. Open space will be required and will be site specific.
- d. Screening will be required and will be site specific.
- e. All Institutions shall maintain a minimum distance of 1500' from educational and religious institutions.

SECTION 7.9 INTENSIVE LIVESTOCK OPERATIONS

It is the intent of this Section to allow for intensive livestock operations while providing additional protection to the Township and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination, and further subject to the following conditions:

- a. The [Michigan Right to Farm Act](#) shall control minimum site area.
- b. There shall be adequate fencing, or other restraining devices, for the purpose of maintaining animals within a restricted area. See the Michigan [Right to Farm Act](#), [Generally Accepted Agricultural and Management Practices](#) for the Care of Farm Animals.
- c. The refuse and wastes resulting from the feeding and maintenance of animals shall be controlled upon the premises, and shall be subject to the Michigan [Right to Farm Act](#), [Generally Accepted Agricultural and Management Practices](#) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- d. All feed and other materials used for the maintenance of animals shall be appropriately stored so as not to attract rats, mice, or other vermin.
- e. For the location of new or expanding intensive livestock operations see The Michigan [Right to Farm Act](#), [Generally Accepted Agricultural and Management Practices](#) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

- f. The storage of manure, odor or dust producing materials is also prohibited within one hundred (100) feet of any property line pursuant to the Michigan [Right to Farm Act](#).
- g. Proper disposal of deceased animals shall be in accordance with State laws.

SECTION 7.10 KENNELS, VETERINARY HOSPITALS, CLINICS

Kennels/Veterinary Hospitals/Clinics are subject to the following conditions:

- a. Compliance with all County and State Regulations
- b. All activities shall be conducted within a completely enclosed structure.
- c. Structures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- d. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions
- e. Kennel facilities shall be designed as follows
 - 1) Constructed of masonry or comparable sound-proofing material.
 - 2) Mechanical ventilation shall be provided in all areas.
 - 3) Floor drains are to be directly connected to a sanitary sewer system approved by the Health Department.
- f. Operating standards:
 - 1) Animal odors and habitual barking noises shall not be detectable beyond the lot lines of the property in which the kennel is located.
 - 2) Dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses.
 - 3) The premises shall be kept clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor.
 - 4) Refuse shall not include animal waste.
 - 5) Animal waste shall be disposed of through a sewage disposal system.
 - 6) Such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering).

SECTION 7.11 MEDICAL HARDSHIP HOUSING OPPORTUNITY

It is the intent of this Section to provide standards that will allow extended family living in traditional single family neighborhoods. Such provisions will permit the conversion of, or addition to, a single family dwelling as a means of accommodating an elderly parent or other family member with a documented medical hardship requiring daily assistance and care.

- a. It is the intent of this Section to provide standards that will allow extended family living in traditional single family neighborhoods. Such provisions will permit the conversion of, or

addition to, a single family dwelling to include an accessory apartment as a means of accommodating an elderly parent or other family member with a documented medical hardship requiring daily assistance and care.

- b. Permitted will be the placement of a detached, removable, self-contained residential unit designed for installation on the same lot as the principal dwelling. This unit must be removed within six (6) months after the need for the medical hardship has ceased.
- c. Accessory Apartment: The following provisions shall apply.
 - 1) Principal dwelling must be owner occupied.
 - 2) Such conversion or addition of an accessory apartment shall not change the exterior presentation of the principal as a single-family dwelling.
 - 3) One additional parking space beyond that provided for the principal dwelling.
 - 4) Approval by the Midland County Health Department to utilize existing water and septic facilities, or approval to modify, increase in size, or implement a new system.
 - 5) For the property under petition, a statement recorded with the Midland County Register of Deeds that no person unrelated to the owner of the principal dwelling shall occupy said accessory apartment and that the accessory apartment shall provide housing opportunity for a person being cared for or is caring for a relative.
 - 6) An Accessory Apartment shall not be rented or used by non-family members after the medical hardship has ceased.

SECTION 7.12 MINING, QUARRYING, GRAVEL PROCESSING, EARTH REMOVAL

The purpose of this Section is to allow limited commercial quarrying, gravel processing and mining of minerals within the Township under certain defined conditions, and to minimize the impacts of those operations upon adjacent properties and the surrounding neighborhood. The following requirements also apply to expanded or new areas of earth removal quarrying, gravel processing, mining and mineral extraction businesses actively in existence with the Township at the time of adoption of the Ordinance.

a. STREET ACCESS

All such operations shall be located on a major road for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

b. SETBACKS AND GRADE LEVELS

- 1) Sufficient setbacks shall be provided from all property lines and public rights-of-way to assure adequate lateral distances from adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150') feet

- to interior boundary lines of the property but larger setbacks may be required by the Planning Commission to adequately protect adjoining properties.
- 2) No such excavation operation shall be permitted within fifty (50') feet of adjoining public rights-of-way except for the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way.
 - 3) The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250') feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus, to the stockpiling or loading of materials and to the location of transportation equipment.
 - 4) No such excavation operation shall be located within one hundred (100') feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having appropriate jurisdiction. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties.

c. SIGHT BARRIERS

Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

- 1) Earth berms constructed to a height of six (6') feet above the mean elevation of the centerline of the adjacent public roadway and/or six (6') feet above the general level of terrain along interior property lines. Such berms shall have slopes that are not in excess of one (1') foot vertical to three (3') feet horizontal and shall be planted with grass, trees or shrubs.
- 2) Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4') feet in height at the time of planting and which grow to not less than six (6') feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6') feet in height.

d. NUISANCE ABATEMENT

- 1) NOISE AND VIBRATIONS. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- 2) AIR POLLUTION. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

- 3) HOURS OF OPERATION. The operation shall be restricted to the hours of seven (7:00 AM) o'clock a.m. until six (6:00 PM) o'clock p.m. Monday through Saturday or other hours as determined by the Planning Commission.
- 4) FENCING. In addition to the sight barriers along the boundaries of the site all steep excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others. Such excavation, pits, pond areas, banks and slopes upon termination of operations, shall be eliminated as expeditiously as possible.

e. RECLAMATION OF MINED AREAS

- 1) TIME PERIODS. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
- 2) STANDARDS.
 - a) All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable, non-polluting and non-combustible solids to ensure:
 - (i) That the excavated area shall not collect stagnant water and not permit the same to remain; or,
 - (ii) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, top soil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.
 - d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations,

buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

- f. **PERFORMANCE BOND.** A performance bond or cash shall be furnished to the Township Clerk ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator or designee and the Planning Commission.
- g. **SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS. PLAN CONTENTS.** No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
- 1) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - 2) The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.
 - 3) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - 4) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - 5) Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. The soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries of the site.
 - 6) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

- h. **ADDITIONAL CONDITIONS.** In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of the revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the stated violation. All permits shall be reviewed by the Planning Commission annually.
- i. **INSPECTIONS AND CONFORMANCE.** Inspections shall be made of the mining site no less often than twice in each calendar year by the Zoning Administrator or designee in order to ensure conformance with the requirements of the approved special use permits.
- j. **LIABILITY INSURANCE.** All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in amount to be established by the Township Board. The insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

SECTION 7.13 OUTDOOR ASSEMBLY, TEMPORARY OUTDOOR USE, TEMPORARY BUILDING AND STRUCTURES

- a. **USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL.** Private garage and yard sales, as defined in this ordinance, in the Agricultural or any Residential districts are exempt from the special use permits requirements of this section.
 - 1) The use is for five (5) days or less within a one hundred and eighty (180) day period,
 - 2) No structures for display, sale or storage remain on the site other than during the hours of operation,
 - 3) The temporary use location must meet all yard requirements of the zone in which it is located.
- b. **USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW.** If the use is for greater than five (5) days, within a one hundred and eighty (180) day period, a site plan must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.

- c. EVIDENCE OF OWNERSHIP OR PERMISSION. Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- d. LENGTH OF PERMIT. A temporary permit may be granted by the Planning Commission for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one applicant shall not exceed six (6) months in one calendar year.
- e. STRUCTURES-OUTDOOR USES. Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
 - 1) It is no larger than one hundred and fifty (150) square feet,
 - 2) There is no foundation,
 - 3) No portion of the structure may become unattached or move as a result of wind,
 - 4) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.
 - 5) Structures of any kind must be removed PRIOR to expiration of the permit.
- f. STRUCTURES-INDOOR USES. Structures, such as tents, for the display of indoor sales items or activities are allowed provided they are not used for human shelter. One structure for sales items is allowed under the following conditions:
 - 1) There is no foundation,
 - 2) No portion of the structure may become unattached or move as a result of wind,
 - 3) It is anchored to withstand thirty (30) pounds per square foot wind stress factor.
 - 4) Structures of any kind must be removed PRIOR to expiration of the permit.
- g. TEMPORARY SIGNS. Temporary signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two (2) temporary sign permits may be granted for (1) one parcel in a year.
- h. SANITARY FACILITIES. Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
- i. DISPLAY OF GOODS. Display and sale of goods may not be within the required yards for the zoning district.

SECTION 7.14 RECREATION, OUTDOOR

Outdoor Recreation uses shall include, but may not be limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, wake

boarding, amusement park, golf driving range, fairground, batting cages, ski slope, and skate board park.

- a. The site shall be located on, or shall take principal access from a major thoroughfare, or county primary road.
- b. All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- c. Minimum site area shall be based on the underlying district. However, the Planning Commission and the Township Board may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjoining properties. Such an increase will be for the purpose of buffering, screening, and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end, the Planning Commission and the Township Board may require additional information concerning the proposed use and the potential for nuisance.
- d. No building or spectator seating parking area shall be located within one hundred (100) feet of a lot line of an adjoining residentially planned, zoned, or used property.
- e. A landscaped buffer strip of no less than one hundred (100) feet shall be provided along the property lines of all residentially planned, zoned, or used land. However, the Planning Commission and the Township Board may reduce such requirement by 50% if it is determined that the potential for off-site nuisance is limited.
- f. Race tracks of any sort shall be enclosed around the entire periphery according to the specifications of the Planning Commission with the intent of promoting safety and sound barriers.
- g. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission and Township Board.
- h. Central loudspeakers and paging systems and noise generated on the site must comply with the Lee Township Noise Ordinance #63.
- i. Operating hours for all uses shall be determined by the Planning Commission and the Township Board based on the nature of the use and the nuisance potential to adjoining property owners.

SECTION 7.15 RECREATIONAL VEHICLE PARK, CAMPGROUND

- a. **OCCUPANCY.** Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short term housing or shelter arrangements.
- b. **RESIDENT MANAGER.** Each RV Park or campground shall be directly supervised by a resident manager who may share such duties with other members of the family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented.
- c. **REGULATORY COMPLIANCE REQUIRED.** RV parks or campgrounds must maintain compliance with all regulations of the Michigan Department of the County Health Department and the Michigan Department of Natural Resources which apply to such

enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.

- d. **PERSONAL CARE FACILITIES.** Each RV Park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, wash basins, toilets, showers and waste containers. These facilities shall be provided uniformly throughout the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.

SECTION 7.16 SEXUALLY ORIENTED BUSINESS AND ADULT MEDIA STORES

- a. **INTENT.** There are some uses that because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- b. **DISTANCE RESTRICTIONS.**
 - 1) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000) feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
 - 2) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500) feet of any residentially zoned property or within one thousand five hundred (1,500) feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.
- c. **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually Oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

- d. **PARKING AND LIGHTING.** All parking shall be situated in the front yard, adjacent to and visible from a public road and shall be lighted. All entrances and exits to the structure shall be lighted during the hours of operation.

- e. PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS. When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
- 1) ORDINANCE INTENT. The proposed use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
 - 2) BLIGHTING INFLUENCE. The proposed use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
 - 3) NEIGHBORHOOD CONSERVATION. The proposed use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
 - 4) OTHER STANDARDS. The proposed use, and its principal building, shall comply with all other regulations and standards of this Ordinance.

SECTION 7.17 WIND ENERGY

Please see the Michigan Guidelines for Wind Energy Systems as amended for siting principles.

~~**SECTION 7.18 WIRELESS COMMUNICATION FACILITIES**~~

~~See Wireless Communication Facility Ordinance.~~

~~Chapter 8 ■ Site Plan Review~~

~~SECTION 8.1 SITE PLAN REVIEW~~

- ~~a. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. The Township Planning Commission must review and approve site plans before granting approval to Special Use Permits.~~

~~In addition, and in the case of new development, Site Plan Review before the Township Planning Commission is required for any project meeting one of the following conditions:~~

- ~~1) The proposed project will have more than two (2) dwelling units.~~
- ~~2) The proposed project is in a Commercial Zoning District~~
- ~~3) The proposed project is in an Industrial district.~~
- ~~4) The project is a Special Use.~~

~~At no time shall a Site Plan review be required as a part of the decision process for rezoning. This is because the decision to rezone property should be based on consideration of its effects on long-range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.~~

- ~~b. SITE PLAN REVIEW PROCESS.~~

Site Plan Review Process



- ~~1) APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies. A preapplication meeting is encouraged.~~
- ~~2) APPLICATION MATERIAL. Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least ten (10) 11" x 17" copies of a site plan that meets the following requirements stipulated below. The application will not be reviewed until the complete application package has been submitted, including the fee.~~

- 3) ~~SITE PLAN REQUIREMENTS. All applicants shall complete the site plan review checklist. The site plan review checklist is available at the Township offices or On-line on the Lee Township website. Site plans shall conform to the provisions approved on the checklist. All site plans must be prepared in a complete and accurate manner so that the plan can be used by the building inspector for all other necessary permits.~~

~~Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the site plan approval.~~

- a) ~~SCALE. The site plan must be drawn to a consistent scale of not less than one-inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals-two hundred (1" = 200') feet for larger sites.~~
- b) ~~IDENTIFICATION. The filing date must appear on the application. The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.~~
- c) ~~PROPERTY INFORMATION. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Midland County Register of Deeds will be the legal description upon which a site plan decision is based.~~
- d) ~~SITE FEATURES. The site plan should depict existing environmental conditions, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.~~
- e) ~~TRANSPORTATION FEATURES. The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck bays, and refuse pickup stations.~~
- f) ~~SHARED ACCESS. The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit.~~

being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- g) ~~UTILITIES.~~ The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm-drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
 - h) ~~STRUCTURES.~~ The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
 - i) ~~SUPPLEMENTARY MATERIAL.~~ The site plan shall be complemented by any additional information that, in the Clerk or supervisor's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
 - j) ~~PERFORMANCE BOND.~~ Further, the Planning Commission is empowered to require and at its option may require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Township Clerk 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 development plan; if not, the performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Township Zoning Administrator or designee. The Township Zoning Administrator or designee, at their discretion, call upon professional assistance from the Township Engineer, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.
- 4) ~~STAFF REVIEW OF SITE PLAN.~~
- a) ~~PERSONS INVOLVED.~~ Before the site plan is reviewed by the Planning Commission, the Building Inspector, Engineer, or contracted engineering

~~services, Public Works Director and Fire Chief, or their designees, may be given an opportunity to review and comment upon it. In addition, the Zoning Administrator or designee may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator or designee at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. A preapplication meeting with the applicant and Zoning Administrator or designee is encouraged.~~

- ~~b) STANDARDS TO BE USED. Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.~~
- ~~5) PLANNING COMMISSION REVIEW OF SITE PLAN. The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:~~
- ~~a) RECOMMEND APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.~~
- ~~b) RECOMMEND CONDITIONAL APPROVAL. The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, State or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission. At this point in the site plan process any approval is considered preliminary until all conditions are met.~~

~~Approval of any proposed site plan that must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances that must be issued by the Lee Township Zoning Board of Appeals. Approval of a variance for conditions that differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission. When these conditions have been met the site plan is considered to have final approval.~~

- ~~c) RECOMMEND DENIAL TO THE TOWNSHIP BOARD WITH EXPLANATION. Failure to comply with one or more of the Review Standards is the only~~

~~justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.~~

- ~~6) TOWNSHIP BOARD. Recommendations from the Planning Commission shall be acted upon by the Township Board at their next regular meeting.~~
- ~~7) DEVIATIONS FROM APPROVED SITE PLAN. It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator or designee determines that all Site Plan Review Standards have been complied with.~~

~~However, if the Zoning Administrator or designee finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder within one week, the Township Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project that is not in compliance with the Site Plan Review Standards.~~

~~Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform to the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator or designee shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.~~

~~This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.~~

~~If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator or designee before the Building Inspector issues final approval for the project and before any performance guarantee may be fully refunded.~~

- ~~8) RECORD TO BE MAINTAINED. The record relating to any approved site plan shall be maintained by the Zoning Administrator or designee. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator or designee. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator or designee.~~

- c. ~~SITE PLAN REVIEW STANDARDS. All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.~~

~~No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by the original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.~~

- ~~1) DISTRICT REGULATIONS. The project must comply with the applicable District Regulations regarding use, dimensions, off-street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)~~
- ~~2) SUPPLEMENTARY REGULATIONS. The project must comply with any and all of the Supplementary Regulations that may apply to it.~~
- ~~3) SPECIAL USE STANDARDS. If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.~~
- ~~4) BUILDING ARRANGEMENTS. Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.~~
- ~~5) TRANSPORTATION. Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.~~
- ~~6) DRIVEWAYS. All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Except for large parking lots, driveways shall be limited to one (1) per development.~~
- ~~7) UTILITIES. Utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.~~

8) ~~LANDSCAPING~~

- a) ~~In all Commercial and Industrial Districts the front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway.~~
- b) ~~Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.~~
- c) ~~Undeveloped areas proposed for future expansion shall be maintained in a weed free condition.~~

9) ~~SIGNS AND LIGHTING. Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to or the parking lot or vehicular use areas. Lighting must only be in operation during the hours the use is in operation. All entrance doors for the public and employees must be illuminated. Lighting may not shine onto neighboring property.~~

10) ~~FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current local Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.~~

11) ~~ENVIRONMENT. Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.~~

12) ~~STORM DRAINAGE. Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.~~

13) ~~CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in [Chapter 1](#), and with the purpose of the District in which the subject parcel is located, as expressed in the Intent and Purpose Table in [Chapter 3](#).~~

Chapter 9 ■ Administration & Enforcement

SECTION 9.1 PEOPLE INVOLVED IN THE ZONING PROCESS

The provisions of this Ordinance shall be carried out by the Lee Township Planning Commission, the Zoning Board of Appeals, the Township Board and the Township Zoning Administrator or designee in conformance with applicable State of Michigan enabling legislation.

a. ZONING ADMINISTRATOR OR DESIGNEE:

The Township Board, with the recommendation of the Planning Commission, may employ a Zoning Administrator or designee to carry out day-to-day administration and enforcement of this Ordinance. Conditions of the Zoning Administrator or designee's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator or designee, to assist with administration and enforcement of this Ordinance.

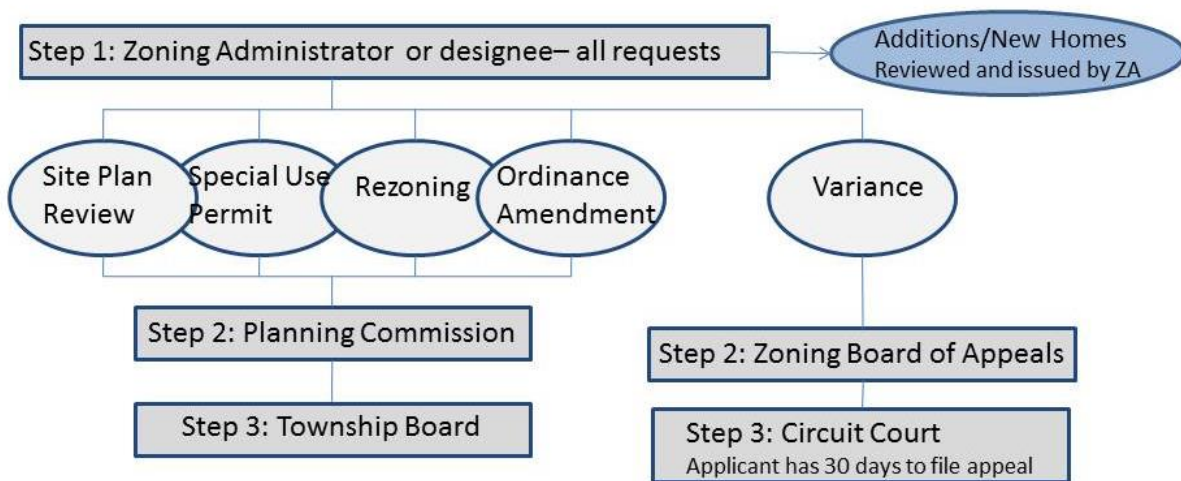
The Zoning Administrator or designee's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance:

- 1) ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS. All applications for site plans shall be submitted to the Zoning Administrator or designee who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator or designee shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator or designee shall consult with the applicant to determine the proper course of action. The Zoning Administrator or designee shall maintain a record of all applications, including documentation for each.
- 2) ISSUE WRITTEN DENIAL. When any application for a site plan is denied, the Zoning Administrator or designee shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) INSPECTIONS. The Supervisor or designee shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- 4) RECORD NONCONFORMING USES. The Zoning Administrator or designee shall record all nonconforming uses existing at the effective date of this Ordinance.
- 5) RECORD SPECIAL USES. The Zoning Administrator or designee shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- 6) RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator or designee shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- 7) PUBLIC INFORMATION. The Clerk or Supervisor shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and

- familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- 8) **RESPOND TO COMPLAINTS.** Refer to Township Policy on Ordinance Enforcement.
 - 9) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Enforcement Officer permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
- b. **PLANNING COMMISSION:**
- 1) **MEMBERSHIP.** The Planning Commission shall be composed of five (5) members, comprised of
 - a) One member of the Township Board selected by the Township Supervisor as an ex officio member, and
 - b) Four residents of the Township, representing, insofar as possible, different professions or occupations, who shall be appointed by the Township Supervisor, subject to the approval of a majority of the members elected to the Board.
 - 2) **TERMS OF OFFICE.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
 - 3) **RULES OF PROCEDURE.** The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
 - 4) **FUNCTION:** The duties of the Planning Commission shall be as outlined in [Public Act 110 of 2006](#), commonly known as the Michigan Zoning Enabling Act, and where applicable in the Michigan Planning Enabling Act, [Public Act 33 of 2008](#), as amended.
 - 5) **MEETINGS.** The Planning Commission shall meet monthly or as determined by the Township Board and Planning Commission, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
 - 6) **PER DIEM OR EXPENSES.** Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Township Board may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.
 - 7) **MASTER PLAN.** The Planning Commission shall make and adopt a master plan as a guide for the development of the Township. Plan contents, adoption, amendment, approval by the Township Board, hearing and publication shall be according to the Michigan Zoning Enabling Act, [PA 110 of 2006](#), as amended and where applicable in the Michigan Planning Enabling Act, [PA 33 of 2008](#), as amended..

- 8) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- 9) ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - a) SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
 - b) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny an application and shall also take any necessary action to revoke a Special Use Permit.
 - c) REZONING OR TEXT AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.
- c. TOWNSHIP BOARD. On recommendation of the Planning Commission, the Township Board shall decide to adopt or amend the text or zoning districts of the Zoning Ordinance, making it the enforceable policy of Township government. The Township Board may review all zoning decisions of the Planning Commission. The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance and may also act to waive any fee.

SECTION 9.2 ADMINISTRATIVE PROCESSES



- a. APPLICATION: Before proceeding with the erection, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this

Ordinance, the owner thereof shall first obtain a Building Permit. Applications shall be made in writing upon forms provided by the Township. It shall be the duty of all architects, contractors, and other persons having charge of erection or movement to determine that proper certification has been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises.

- b. **BUILDING PERMIT REQUIRED:** A building permit must be obtained from the Lee Township designated Building Inspector before any of the following activities may legally take place:
 - 1) Occupancy and use of vacant land (including parking lot construction).
 - 2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Building Inspector.
 - 3) Any use of land or a building that would be identified as a Use by Special Use Permit by the [Uses Table in Chapter 3, District Regulations](#), for the Zoning District in which the parcel is located.
 - 4) Any change of a nonconforming use or building.
- c. **APPLICATION REVIEW PROCESS.** On submission of an application for a site plan, **(Site Plan Approval - Application)** the Clerk or Supervisor will review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.
- d. **RECORD MAINTAINED.** The Clerk or Supervisor shall keep a record of each application for a site plan that has been submitted including the disposition of each one. This record shall be a public record, open for inspection upon request.

SECTION 9.3 ENFORCEMENT

This Ordinance shall be enforced by the Zoning Enforcement Officer for Lee Township.

- a. **RESPONSIBILITY.** The Zoning Enforcement Officer shall enforce the provisions of this Ordinance.
- b. **VIOLATIONS AND PENALTIES.** Any building or structure which is erected, altered, maintained, or used or any use of land which is begun, maintained or changed in violation of this Ordinance is hereby declared to be a nuisance per se. Violations of any provisions of this Ordinance are declared to be enforceable as municipal civil actions through District Court and are subject to a payment of a civil fine of a minimum of One Hundred (\$100) DOLLARS and no more than Five Hundred (\$500) DOLLARS for each infraction. Repeat offenses of infractions shall be subject to an increased civil fine.
- c. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 9.4 AMENDMENTS

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by [Public Act 110 of 2006](#), as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the section or sections to be amended to the Ordinance.

- a. INITIATION OF AMENDMENTS. Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- b. AMENDMENT PROCEDURE:
 - 1) PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application provided by the Township to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
 - 2) RECOMMENDATION. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - 3) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
 - 4) RESUBMITTAL. No application for a rezoning that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.
 - 5) Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.

SECTION 9.5 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

- a. If the Township is required to provide notice and hearing under the Michigan Zoning Enabling Act, the Township shall publish notice of the request in a newspaper of general circulation in the community.
- b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. Notification to the aforementioned property owners shall be based upon the current tax rolls.

- c. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
- ci. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner.
- cii. If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.

SECTION 9.6 <See Pg.166>

Chapter 10 ■ Zoning Board of Appeals

SECTION 10.1 ESTABLISHMENT

The Township Board, exercising the authority of [Act 110 of the Public Acts of 2006](#), as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members.

SECTION 10.2 MEMBERSHIP

The Lee Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Lee Township Planning Commission, one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for misfeasance, nonfeasance or malfeasance of duty or misconduct in office upon written charges and after public hearing. The Zoning Board of Appeals shall annually elect its own Chair, Vice-Chair, and Secretary at its January meeting or as soon thereafter as practicable.

The Township Board shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

SECTION 10.3 TERMS OF OFFICE

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or Township Board whose terms shall be limited to the time they are members of the, Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

SECTION 10.4 BOARD OF APPEALS PROCEDURES

- a. **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

- b. RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the member and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.
- c. RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
- d. MAJORITY VOTE. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- e. CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office. A conflict of interest may exist for Board of Appeals members with a financial interest in the issue, those who are related to the applicant or are in a supervisory or subservient role with the applicant. Other situations may also constitute a conflict of interest.

SECTION 10.5 APPEALS, METHOD FOR TAKING

- a. Any appeal from a ruling of the Zoning Administrator or designee or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within 10 days after the date of the Zoning Administrator or designee decision which is the basis of the appeal. Any appeal shall be in writing on standard forms. The Zoning Administrator or designee shall transmit to the Zoning Board of Appeals all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the Zoning Board of Appeals shall be accompanied with a payment of a fee established by resolution of the Township Board to cover costs of processing such appeal.
- b. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, or board of the Township. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
- c. An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Administrator or designee may certify to the Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

SECTION 10.6 DECISIONS

The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the

decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

SECTION 10.7 DUTIES

The Lee Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section.

- a. **REVIEW.** The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator or designee, or by any other official in administering or enforcing any provisions of this Ordinance.
- b. **INTERPRETATION.** The Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this Ordinance as follows:
 - 1) So as to carry out the intent and purposes of this Ordinance.
 - 2) To determine the precise location of the boundary lines between zoning districts; or,
 - 3) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- c. **VARIANCES.** The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED all the conditions listed are satisfied. .
 - 1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - 2) The variance will do substantial justice to the applicant, as well as to other property owners.
 - 3) The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - 4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - 5) The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.
- d. **RULES FOR GRANTING VARIANCES:**
 - 1) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure

- substantially the objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.
- 2) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.
 - 3) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
 - 4) In authorizing any variance, the Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.
 - 5) The Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

SECTION 10.8 LIMITATIONS

The Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, or to prohibit a use which is permitted in this Ordinance, change permitted uses in a district, nor may it determine the validity of this Ordinance.

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- b. More than 5 percent of the stock-in-trade of the business consists of sexually oriented toys or novelties.
- c. More than 5 percent of the gross public floor areas of the business is devoted to the display of sexually oriented adult toys or novelties.

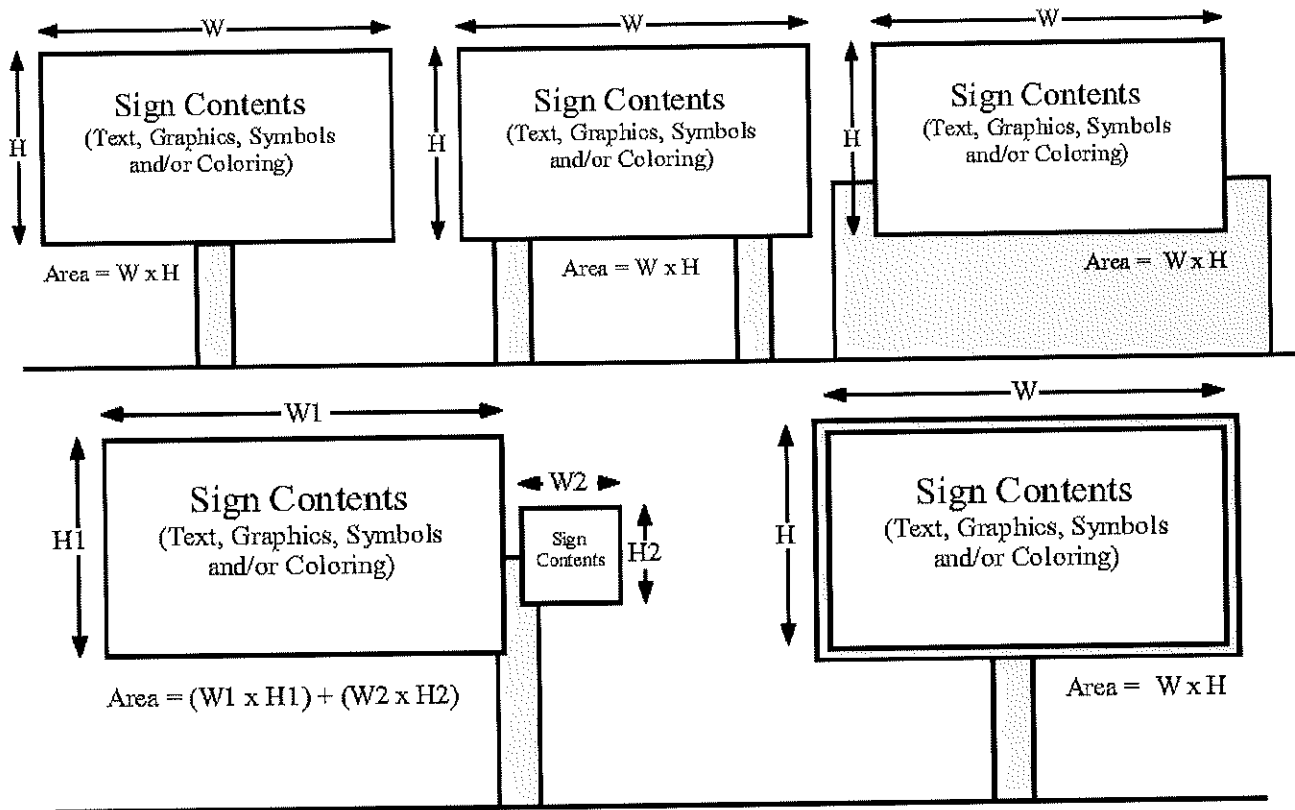
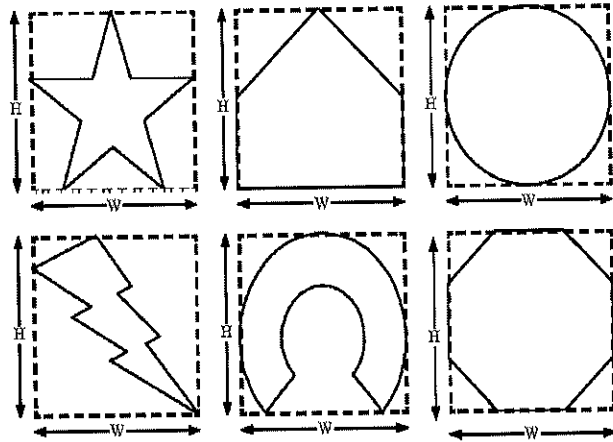
SEXUALLY ORIENTED BUSINESS: An inclusive term used to describe collectively: adult cabaret, adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio and/or sex shop. This collective term does not describe a specific land use and should not be considered a single-use category.

SEXUALLY ORIENTED TOYS OR NOVELTIES: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

SIGN: The use of any words, numerals, figures, devices, designs, trademarks, names, identification, images, descriptions, displays, or illustrations which is affixed to, painted on, or represented directly or indirectly upon a building, structure, outdoor surface, or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, or idea and which is visible from any space. This definition includes the base, frame, and support members of the Sign. Customary displays of merchandise or objects and material within an enclosed building or placed behind a store window are not Signs.

- a. **Area/measurement of Sign.** The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits or writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed and any numbers displaying the address of the use. Only one side of a sign with two faces is used to calculate the area of the sign.



- b. **Nonconforming Sign.** Any advertising structure or Sign which was lawfully erected and maintained prior to the effective date of this ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this ordinance, or a Sign for which a permit was previously issued that does not comply with the provisions of this ordinance.
- c. **Sign Owner(s):** A Person owning the Sign and/or the property owner upon which the Sign is located.
- d. **Parcel:** Contiguous real estate taxed as a single parcel on one side of a public road.
- e. **Sign Permit:** The authorization for the installation of a Sign issued by the department.
- f. **Person:** Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee, and their legal successors.
- g. **Temporary Sign:** A Sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, included but not limited to "sandwich" Signs, yard signs, and Signs mounted on wheels so as to be capable of being pulled by a motor vehicle from one location to another. Banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs, inflatables or similar devices intended for a limited period of display shall also be considered a portable sign.
- h. **Replacing Copy.** Any change to a Sign's face or display other than changing letters and numbers designed to be removed on a daily or weekly basis for a temporary advertisement or sale.
- i. **Roof Line.** The highest point on any building where an exterior wall encloses usable floor space. The term "roof line" includes the top of any parapet wall, providing said parapet wall extends around the entire perimeter of the building at the same elevation. The façade of a building is not defined as part of the roof line.

Chapter 6 ■ Signs

SECTION 6.1 PURPOSE AND INTENT

The Sign regulations of this ordinance are enacted to ensure that Signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare while allowing adequate communication. These municipal interests are considered by the Township to be compelling government interests. Each interest is intended to be achieved under this ordinance in a manner that represents the least restrictive means of accomplishing these stated interests while promoting an important government interest.

Regulating the size and location of Signs in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and wayfinding and property identification for emergency response purposes. Nothing in the Sign regulations of this ordinance is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution.

The following subsections describe some, but not necessarily all, of the compelling, substantial, and important government interests that the Township intends to achieve through the sign regulations of this ordinance:

- a. Enhance pedestrian and traffic safety, minimize driver distraction. The Township finds that pedestrian and vehicular safety and efficiency are compelling, substantial, and important government interests. Most signage is visible to vehicle or pedestrian traffic and at least partly intended or designed to attract the attention of vehicle operators or pedestrians, thereby creating distractions that diminish traffic and pedestrian safety. The aim of the Sign regulations in this ordinance is to reduce distractions and thereby reduce the risk for crashes, property damage, injuries, and fatalities, and to permit signs to provide adequate information or direction without conflicting with other signs, structures, improvements, or sight lines.
- b. Ensure that signs are located, designed, constructed, installed, and maintained in a way that protects public health, safety, and welfare. The Township finds that achieving and maintaining attractive, orderly, and desirable places to live and conduct business are directly related to the stability of property values needed to provide and finance quality public services and facilities within the Township, and therefore are compelling, substantial, and important government interests. Further, ensuring that Signs are constructed of sufficient materials and constructed in a way to avoid injuries to people, property, and/or traffic safety hazards is a compelling, substantial, and important governmental interest in the public health, safety, and welfare. The Sign regulations of this ordinance are intended to ensure understandable, unambiguous, uncluttered, and coordinated wayfinding for vehicular and pedestrian purposes.
- c. The Township finds that avoiding confusion in Public Rights-of-Way and ensuring the ability for emergency responders to promptly and efficiently navigate to and identify emergency locations are compelling, substantial, and important government interests. The Sign regulations of this ordinance are intended to ensure emergency vehicles and the public can efficiently and promptly navigate in an emergency situation.

- d. Reduce clutter and confusion to provide clear wayfinding so that both vehicle and pedestrian traffic movement is efficient, safe, and free from unnecessary distraction or confusion. The Township finds that pedestrian and vehicular safety and efficiency are compelling, substantial, and important government interests and that an excessive or unnecessary accumulation of signage would cause unnecessary distraction or confusion which could result in distractions that diminish traffic and pedestrian safety. Further, the Township can enhance the effectiveness of necessary directional and warning signs by prohibiting signs which would confuse, distract, or mislead motorists and pedestrians. The Sign regulations of this ordinance are intended to avoid such unnecessary clutter and/or confusion.
- e. Protect and enhance the scenic views and natural landscapes by protecting sight lines and preventing unnecessary visual clutter to enable a safe and pleasant experience for motorists and pedestrians. The Township finds that achieving and maintaining attractive, orderly, and desirable places to live and conduct business are directly related to the stability of property values needed to provide and finance quality public services and facilities within the Township, and therefore are compelling, substantial, and important government interests.
- f. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents by promoting the use of aesthetically pleasing sign materials, colors, and landscaping. The Township finds that achieving and maintaining attractive, orderly, and desirable places to live and conduct business are directly related to the stability of property values needed to provide and finance quality public services and facilities within the Township, and therefore are compelling, substantial, and important government interests.
- g. Avoid creating a nuisance like condition by permitting signs which are sufficient, but not excessive, to perform their intended function. The Township finds that there is a clear relationship between the promotion of a set of specifications and restrictions for Signs and the promotion of economic development and property values, which are compelling, substantial, and important government interests. Further the Township finds that there is a potential for blight, physical clutter, excess light and noise, and visual clutter, which tend to create nuisance-like conditions that are adverse to the public welfare. Unregulated or haphazard sizes, locations, or other characteristics of Signs have a realistic tendency to result in an appearance that reduces economic development and property values. The Sign regulations of this ordinance are intended to create stability and predictability, allowing each private interest reasonable exposure through signs for the intended purpose by allowing signs which reasonably command attention to their messages in a manner that promotes economic development and preserves property values.
- h. Ensure the constitutionally guaranteed right of free speech is protected.

SECTION 6.2 APPLICABILITY

Signs may only be erected or maintained in the Township as permitted by this ordinance and subject to all restrictions contained herein. The Sign regulations of this ordinance are not intended to and do not apply to Signs required by law or a government entity. If any portion of the Sign regulations of this ordinance is determined to be a violation of law, that portion shall be severed from the remainder of the Sign regulations and shall be revised to reflect the least possible change that avoids the violation of law, with the remainder of the Sign regulations shall remain in effect. Regardless of any provision of this ordinance, noncommercial messages may be placed or substituted on any lawfully permitted sign.

SECTION 6.3 PERMIT PROCEDURE

1. **PERMIT REQUIRED:** Prior to construction or establishment of any sign, except as otherwise specifically noted in this ordinance, a permit shall be obtained from the Township Code Authority or its designee. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.
2. **CONSIDERATIONS.** In determining whether an Application will be approved the Township Code Authority or its designee must consider whether the proposed Sign meets the requirements of this ordinance and fits with the purposes of this ordinance and the compelling, substantial, and important government interests articulated herein.
3. **REQUIREMENTS FOR ALL SIGNS:** All signs, regardless of whether a permit is required, must comply with the following:
 - a. All Signs must comply with applicable federal, state, and local laws, rules, regulations, and ordinances. If there is an impermissible conflict between an applicable federal or state law with this ordinance, the federal or state law will control.
 - b. All signs shall be set back a minimum of ten (10) feet from any public or private street right-of-way pursuant to Section 3.6 of this Ordinance.
 - c. No sign may be placed in the public right-of-way.
 - d. No sign may be placed such that it would block or interfere with the view of oncoming vehicular or non-vehicular traffic at any driveway or intersection.
 - e. No sign may be placed such that it would block or interfere with the view of official traffic signs or traffic control devices.
 - f. In order to ensure adequate sight distance for motorists, a minimum clear vision area shall be prohibited where they obstruct motorist vision of regulatory signs, traffic-control devices, or street signs.
 - g. No sign may display any Obscenity, Obscene Material, any depiction of Sexual Conduct, or any material which appeals to the prurient interest as those terms are defined in Public Act 343 of 1984 (MCL 752.361, et al).

4. EXEMPTIONS: The following exempt Signs and Actions are allowed in all zoning districts within the Township without a permit. All exempt Signs shall comply with all other requirements under this ordinance:
- a. ACTIONS EXEMPT FROM PERMITTING. The following operations shall not be considered as creating a Sign and therefore shall not require a sign permit.
 - 1) REPLACING COPY. The changing of a Sign which is specifically designed for the use of replaceable copy or the replacing of a previously posted Sign with an exact copy.
 - 2) MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a Sign or a sign structure unless a structural change is made.
 - b. SIGNS EXEMPT FROM PERMITTING. The following Signs may be placed in a permissible location without a sign permit so long as (i) the number of signs in each lot does not exceed 10 signs per lot, (ii) each sign does not exceed a total of 32 square feet, (iii) each sign complies with the requirements of this Section 6, and (iv) each sign is not a Prohibited Sign under this ordinance. If additional signs are desired beyond the allowed exemption, the sign erector will require a permit as stated in Section 5 of this Ordinance. Sign categories exempt from permits include the following:
 - 1) Temporary signs, as defined in Chapter 2 of this Ordinance are not displayed for more than 30 consecutive days.
 - 2) Signs required by law.
 - 3) Signs placed by governmental entities.
 - 4) Signs not visible from a public space.
 - 5) Indoor signs.
 - 6) Historical building markers.
 - 7) Flags and banners.
 - i. Flags and banners are allowed in all zoning districts and may be displayed indefinitely provided they are properly maintained and all flags on one lot do not exceed a total of 32 square feet in size.
 - ii. Flags must be either be affixed to a building or attached to a ground mounted flagpole. The height of the flagpole shall not exceed the height restriction for signs in the Zoning district.
 - iii. Flags and banners are subject to a setback requirement of five feet from all lot lines.
 - 8) Window coverings, so long as they do not exceed the size of the window.

5. APPLICATIONS. Application for a permit to construct or locate a permanent sign shall be obtained from the Township Code Authority or its designee. Review of applications can be done through the site plan review process in instances where a site plan is required as defined in Chapter 8. The Township Code Authority has a duty to review new Sign applications within a prompt time period of 30 days or less from the date of submittal. The application shall include the following information:

- i. Name, address, telephone number, and signature of the Sign Owner.
- ii. Name, address, telephone number, and signature of the owner of the land on which the sign is to be erected if different than #1 above.
- iii. A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location, and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
- iv. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
- v. In the case of a ground sign, the lot layout and dimensions, a description of the ground sign at scale and dimensions and location on the lot shall be shown.
- vi. In the case of a pole sign, the lot layout and dimensions, a description of the pole sign at scale and its dimensions and location on the lot shall be shown.
- vii. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
- viii. In the case of a roof sign, the elevation of the roof pitch on which the sign is to be placed, including a depiction of the roof sign at scale, shall be shown. The dimension of the building roof and the sign shall be depicted.
- ix. The proposed dates of construction and completion of the sign.
- x. Structural information necessary to comply with all current building codes.

6. APPLICATION REVIEW AND ACTION. The Township Code Authority shall review all completed applications for a sign permit as expeditiously as possible. Reasons for any denial shall be set forth in writing and shall include any recommended changes which would make the plan acceptable. The applicant may appeal any denial to the Zoning Board of Appeals in accordance with Section 10.4.

SECTION 6.4 STANDARDS FOR SIGNS WHICH REQUIRE A PERMIT

1. GENERAL. Signs that are required to obtain a permit described in this Chapter must comply with all requirements of this Chapter.
2. SIZE AND NUMBER. The permissible size of sign is different depending upon the zoning for the area as each zoning area has a different use and different population density permitted. The following number and size of sign are permitted:
 - a. Ground Signs – Ground signs are any Sign directly supported by the ground without the aid of any other building or structure, other than the Sign structure itself. Ground signs are permitted in all zoning districts. The size and number of ground signs permitted is as follows:
 - i. Residential Farming/Agricultural and Residential Districts – permitted up to one sign per lot, not to exceed a total of 32 square feet, with a maximum height of 6 feet.
 - ii. Commercial and Industrial Districts – permitted up to one sign per business on each lot, not to exceed a total of 50 square feet, with a maximum height of 6 feet.
 - b. Pole Signs – Pole signs are any freestanding Sign which is affixed to a permanent pole. Pole signs are permitted in Commercial and Industrial zoning districts. In both districts, up to one sign per lot not to exceed a total of 50 square feet with a maximum height of 25 feet. If the lot has more than 300 feet of road frontage, one additional pole sign shall be permitted on the lot for each additional 300 feet of road frontage.
 - c. Wall Signs – Wall signs are any flat Sign which mounted upon the face of a wall or painted upon a wall or window surface. Wall signs are permitted in all zoning districts. The size and number of wall signs permitted is as follows:
 1. Residential Farming/Agricultural and Residential Districts – permitted up to one sign per lot, not to exceed a total of 32 square feet, not to exceed the height of the wall.
 2. Commercial and Industrial Districts – permitted up to one sign per business on each lot, not to exceed a total of 50 square feet, not to exceed the height of the wall.
 - d. Roof Signs – Roof signs are any Sign that projects above the fascia of a building and is supported wholly or in part of the roof structure. This also includes signs painted or displayed directly upon the roof surface. Roof signs are permitted in Commercial and Industrial zoning districts. In both districts, up to one sign per lot not to exceed a total of 50 square feet with a maximum height of 25 feet. If the lot has more than 300 feet of road frontage, one additional pole sign shall be permitted on the lot for each additional 300 feet of road frontage.

3. In commercial and industrially zoned districts, business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
4. In commercial and industrially zoned districts, one (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
5. Parcels with greater than four hundred (400) lineal feet of frontage may be granted additional signage at the site plan review phase.
6. In the Agricultural and Residentially zoned districts, no signs may be illuminated in any way (including digital or LED signs) if the light is not visible from any street, public space, or adjoining property. Illuminated or digital Signs (including LED signs) are permitted in Commercial and Industrially zoned districts, so long as the Sign complies with the other requirements of this ordinance.
7. If any zone is discontinued from the zoning ordinance or if a new zone is created after the enactment of this ordinance, no signs shall be permitted in such a zone until this Chapter is amended to include such zone and all permitted signs are specified therein.

SECTION 6.5 PROHIBITED SIGNS

The following Signs are prohibited in all zones, except as otherwise provided for in this ordinance or by special use permit or site plan:

1. Signs not specifically permitted by this ordinance.
2. Signs which violate some other provision of this Zoning Ordinance including, but not limited to Section 6.2.
3. Signs that create a public or private nuisance that causes invasion of another's interest in the use and enjoyment of their land, as that term is defined by Michigan law.
4. Signs that are ~~Are~~ of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or emergency vehicle.
5. Signs which purport to regulate, warn, or direct the movement of traffic.
6. Signs which imitate or resemble any official traffic sign, signal, or device.
7. Signs which are not in a good state of repair.
8. Signs which are erected or maintained upon trees, rocks, or other natural resources.
9. Signs which prevent drivers from having a clear, unobstructed view of approaching, intersecting, or merging traffic.
10. Signs which incorporate in any manner any strobing or moving lights, or give the appearance thereof.
11. Signs that are structurally, electrically, or otherwise unsafe.

12. Signs placed on a tree or utility pole or structure.
13. Signs that resemble or conflict with traffic control devices or emergency vehicle(s).
14. Signs erected on or projecting into a public right-of-way, except for Signs expressly permitted in a public right-of-way by this ordinance.

SECTION 6.6 ILLUMINATION

1. LED, LCD, and all other changeable forms of lighted signs fall under this regulation.
2. There shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Township Code Authority or designee.
3. In the Agricultural, Single and Multi-Family districts, only nondwelling use signs may be illuminated. Cottage Industry signs may not be illuminated.

SECTION 6.7 CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the Township Code Authority or designee is satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Code Authority or its designee, unless an exception applies as stated in Section 6.3.

SECTION 6.8 NONCONFORMING SIGNS

Any existing Sign on the effective date of the ordinance from which this chapter is derived or any amendment thereto, which does not at that time comply with all the provisions thereof must comply with the following:

1. The nonconforming Sign may not be expanded, enlarged, or extended.
2. The nonconforming Sign may not be changed to another type of sign which is not in compliance with this Chapter.
3. The nonconforming Sign may not be restored, rebuilt, or re-established after the activity, business, or usage to which it relates has been discontinued for a period of 90 days or longer.
4. The nonconforming Sign may not be restored, rebuilt, or re-established after damage or destruction.

5. The nonconforming Sign may not be placed, maintained, or displayed by someone other than the person or entity who owned the premises on the date of the adoption of this Chapter.

SECTION 6.9 ENFORCEMENT

Generally, the regulations of this Chapter shall be administered and enforced by the Zoning Administrator as designated in Section 9.1 of this Ordinance, in addition to the following:

1. **INSPECTIONS.** The Township Code Authority or designee have the power to make lawful inspections of buildings and premises necessary to carry out official duties in the enforcement of this Chapter in accordance with Section 9.3 of this Ordinance.
2. **ENFORCEMENT.** If any provisions of this Chapter are being violated, the Township Code Authority shall notify in writing the person responsible for such violation indicating the nature and location of the violation and ordering the action necessary to correct it. The Township Code Authority shall order discontinuance of any illegal work being done; or shall take any other action authorized by Chapter 9 to ensure compliance with or to prevent violation of the provisions of this Chapter.
3. **SIGN APPEALS.** If any sign owner wishes to appeal decisions made by the Township Code Authority, the procedure for any appeals is described further in Section 10.5 of this Ordinance.
4. **VARIANCES.** If any person wishes to request a sign variance, the sign owner must complete specified steps listed in Section 10.7 of this Ordinance to seek approval from the Zoning Appeals Board.

SECTION 6.10 SEVERABILITY

If any portion of this Chapter is judicially declared void or unconstitutional, the remainder of the Chapter shall remain in force and will still be applied to the maximum extent legally possible.

**LEE TOWNSHIP
MIDLAND COUNTY, MICHIGAN**

ORDINANCE NO. _____

[AN ORDINANCE TO AMEND THE LEE TOWNSHIP ZONING ORDINANCE TO REVISE THE APPROVAL PROCEDURES, REQUIREMENTS, AND STANDARDS FOR HOME OCCUPATIONS, BY AUTHORITY OF PUBLIC ACT 110 OF 2006, BEING MCL 125.3101 ET. SEQ., AS AMENDED.]

LEE TOWNSHIP, MIDLAND COUNTY, MICHIGAN, HEREBY ORDAINS:

PART A.

[The text of Section 7.6 (Home Occupations) is hereby DELETED and REPLACED in its entirety to update home occupation standards.]

SECTION 7.6 HOME OCCUPATIONS

Home occupations, as defined in Section 2.2 (Definitions), shall be subject to the following requirements and standards:

a. **Use Standards.** Home occupations shall conform to the following requirements:

- 1) The home occupation shall be conducted entirely within the dwelling or an associated accessory structure, except where specifically provided for in this Section, and shall be clearly incidental and secondary to the use of the premises for dwelling purposes.
- 2) Whether the home occupation is conducted within the dwelling or an accessory structure on the same lot, the maximum floor area used by the home occupation shall not exceed twenty-five percent (25%) of the floor area of the principal dwelling.
- 3) There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation.
- 4) External and internal alterations not customary for a single-family dwelling shall be prohibited.
- 5) Exterior display and storage of vehicles, equipment or materials associated with or resulting from a home occupation shall be prohibited, except as follows:
 - a) A maximum of one (1) commercial vehicle and one (1) commercial trailer shall be allowed to be parked or stored outside on the lot, subject to compliance with the zoning district's minimum required yard setbacks.
 - b) One (1) dumpster with a maximum capacity of two (2) cubic yards shall be allowed to be stored outside in the side or rear yard, subject to compliance with the zoning district's minimum required yard setbacks and location within a six (6) foot high screen fence enclosure.
- 6) No persons other than members of the immediate family residing on the premises shall be engaged in the home occupation.

- 7) A maximum of one (1) sign shall be allowed for the home occupation, subject to the requirements of Chapter 6.0 (Signs).
- 8) No article shall be sold on the premises except that which is prepared on-site or provided as incidental to the service or profession conducted therein.
- 9) Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.,
- 10) Traffic generated by a home occupation shall not be greater in volume than that normally expected within the neighborhood.
- 11) Parking for the home occupation shall not exceed two (2) spaces.

b. **Allowable Uses.** Allowable uses for home occupations shall be limited to the following:

- 1) Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations; and a home office for a contractor or service business.
- 2) Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).
- 3) Music, dance, arts, gardening, and crafts classes, and private tutoring and instruction, with home occupations limited to a maximum of five (5) pupils at any given time. Limits on pupils per class and classes per day or week for a home-based limited business shall be set by special use permit approval.
- 4) Studios and workshops for artists, sculptors, musicians, and photographers; for welding and fabrication of a limited or artisan character and scope; and for weaving, lapidary, jewelry making, cabinetry, woodworking, sewing, tailoring, custom carpet and rug-making, and similar crafts.
- 5) Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
- 6) Permitted home occupations in the AG (Residential Farming/Agricultural) District shall also include farm implement repair, and classic or antique motor vehicle restoration activities.
- 7) A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed 15 days per calendar year and signage is limited to temporary signs permitted in the zoning district.
- 8) A lemonade stand or similar incidental sales activity operated under adult supervision by one (1) or more minor residents of the premises shall be permitted as a temporary home occupation, provided that signage is limited to temporary signs permitted in the zoning district.

c. **Prohibited Uses.** The following uses are expressly prohibited as a home occupation:

- 1) General repair and servicing of motor vehicles or recreational vehicles, body and paint shops, and storage or dismantling yards.
- 2) Kennels and veterinary clinics.

- 3) Medical or dental clinics.
 - 4) Retail stores, and eating or drinking establishments.
 - 5) Adult media and sexually oriented businesses.
 - 6) Any use or process that creates noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; creates or exacerbates any hazard of fire, explosion, or radioactivity; or causes visual or audible interference or fluctuations in line voltages off the premises.
 - 7) Any use involving outdoor display or storage of vehicles, trailers, materials, goods, supplies, or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
 - 8) Uses similar to the above listed uses, or any use which would, in the determination of the Zoning Administrator, result in nuisance factors as defined by this Ordinance.
- d. **Inspection and Enforcement.** Home occupations shall be subject to inspection by the Zoning Administrator to verify compliance with this Section and Ordinance. Failure to comply with this Section and Ordinance may result in Township action to seek closure of the home occupation, and such other penalties as provided for in this Ordinance.

PART B.

[DELETE the definition of “home occupations” in Section 2.2 (Definitions) in its entirety, and ADD new definitions for “home occupation,” “home office,” and “home-based limited business.”]

SECTION 2.2 DEFINITIONS.

HOME OCCUPATIONS:

- a. **HOME OCCUPATION:** A business, occupation or similar activity of restricted scope and intensity undertaken for compensation exclusively by members of the household within a dwelling or accessory structure on the same lot, and in a manner that conforms to the specific home occupation use standards of this Ordinance and is incidental and secondary to the use of the lot and structures for residential purposes.
- b. **HOME OFFICE:** A type of home occupation in which work for compensation may include receiving or initiating telephone calls, mail or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.

PART C.

[The “Home occupations” land use is hereby changed from a “special land use” to a “permitted by use” in the AG, R-A, R-B, and R-C Districts in Table 2 (Uses by District) of Section 3.6 (District Regulation Tables):]

SECTION 3.6 DISTRICT REGULATION TABLES

TABLE 2 USES BY DISTRICT

√= Permitted by Use S=Special Land Use Permit	Districts					
	AG	R-A	R-B	R-C	C	I
Use						

Home occupations	√	√	√	√		
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PART D.

[The “Home occupations” land use is hereby changed from a “special land use” to a “permitted by use” in Tables 3 (Uses/Dimensions: Residential Farming/Agricultural District), 4 (Uses/Dimensions: Single-Family Residential District) , 5 (Uses/Dimensions: Multiple-Family Residential District) in Section 3.6 (District Regulation Tables).]

SECTION 3.6 DISTRICT REGULATION TABLES

TABLE 3 USES/DIMENSIONS: RESIDENTIAL FARMING/AGRICULTURAL DISTRICT

Residential Farming District, AG	
Permitted by Use	Special Land Uses
Home occupations	

SECTION 3.6 DISTRICT REGULATION TABLES

TABLE 4 USES/DIMENSIONS: SINGLE-FAMILY RESIDENTIAL DISTRICT

Single Family Residential District, R-A	
Permitted by Use	Special Land Uses
Home occupations	

SECTION 3.6 DISTRICT REGULATION TABLES

TABLE 5 USES/DIMENSIONS: MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Multiple-Family Residential District, R-B	
Permitted by Use	Special Land Uses
Home occupations	

PART E.

All ordinances and amendments thereto that are in conflict with this Ordinance are hereby repealed.

PART F.

Adopted by the Township Board of Trustees for Lee Township, Midland County, Michigan, at a meeting of the Township Board held on the _____ day of _____, 20____. This ordinance shall become effective on the eighth (8th) day following publication thereof.

Dated: _____, 20____ _____
George Whittington, Supervisor

Laura Dawson, Clerk

CERTIFICATION

The above Ordinance No. _____ was adopted at a meeting of the Lee Township Board of Trustees on the _____ day of _____, 20____; and published in the _____, a newspaper of general circulation in Lee Township, Midland County, Michigan on the _____ day of _____, 20____.

Laura Dawson, Clerk

LEE TOWNSHIP
MIDLAND COUNTY, MICHIGAN

ORDINANCE NO. _____

[AN ORDINANCE TO AMEND THE LEE TOWNSHIP ZONING ORDINANCE TO REVISE THE APPROVAL PROCEDURES, REQUIREMENTS, AND STANDARDS FOR SPECIAL USE PERMITS, BY AUTHORITY OF PUBLIC ACT 110 OF 2006, BEING MCL 125.3101 ET. SEQ., AS AMENDED.]

LEE TOWNSHIP, MIDLAND COUNTY, MICHIGAN, HEREBY ORDAINS:

PART A.

[REVISE subsection “c.” of Section 3.6 (District Regulation Tables) to change the chapter reference and title to “Chapter 12.0 (Special Use Permits).”]

SECTION 3.6 DISTRICT REGULATION TABLES

Regulations for all Zoning Districts are contained together in the following tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in Lee Township.

- a. INTENT AND PURPOSE. This table lists the intent and purpose of each Zoning District.
- b. CONSOLIDATED USES. This table lists all of the uses – either permitted or special land use – for all districts.
- c. USES FOR EACH ZONING DISTRICT. These tables describe permitted activities for the various Zoning Districts. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Use Permit are subject to the process described in Chapter ~~7~~, 12.0 (Special Use Permits) ~~Regulations~~.
- d. DIMENSIONS. This table specifies parcel dimensions and setback requirements for parcels in each Zoning District.

PART B.

[DELETE and REPLACE the title of Chapter 7 (Special Use Permits) of the Lee Township Zoning Ordinance with the new title “Use Standards.”]

Chapter 7 ■ ~~Special Use Permits~~ Use Standards

PART C.

[DELETE and REPLACE the text of Section 7.1 (Intent, Purpose, and Process) in its entirety and RE-TITLE this Section as “Intent and Scope of Standards.”]

SECTION 7.1 INTENT AND SCOPE OF STANDARDS, ~~PURPOSE, AND PROCESS.~~

The standards of this Chapter are intended to alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed; mitigate the

impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed; ensure that such uses will be compatible with surrounding land uses; and promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Chapter, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located, the applicable use standards of this Chapter, and all other applicable requirements of this Ordinance. Conformance with these standards shall be subject to site plan approval where required per this Chapter or Chapter 8.0 (Site Plan Review).

PART D.

[DELETE the text of Section 7.02 (How a Special Use Permit is Reviewed) in its entirety, and RE-TITLE this Section as “Reserved.”]

SECTION 7.02 ~~HOW A SPECIAL USE PERMIT IS REVIEWED~~ RESERVED

PART E.

[INSERT a new Chapter 12.0 entitled “Special Use Permits” into the Lee Township Zoning Ordinance, consisting of new Sections 12.1 through 12.10, as follows:]

Chapter 12 ■ Special Use Permits

SECTION 12.1 PURPOSE AND AUTHORITY.

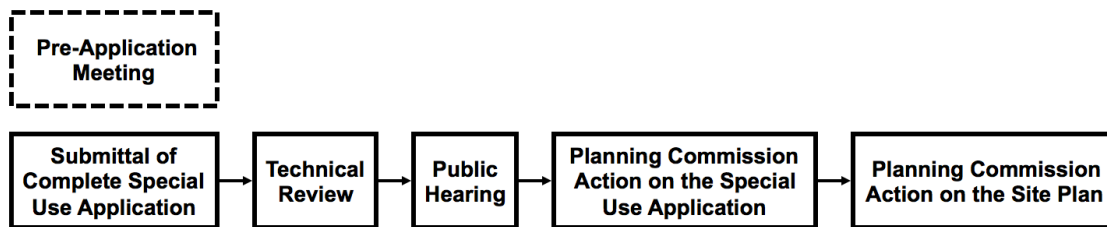
The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses that are mutually compatible. In addition, it is recognized that there are certain special land uses that may be necessary or desirable to allow in definable locations within certain districts, but on account of anticipated impacts on neighboring uses or public facilities, may not be appropriate in all areas of the district. Special use permit approval shall be required for all land uses listed in Section 3.6 (District Regulation Tables) as a special land use.

- a. **PURPOSE.** The purpose of this Chapter is to establish procedures and standards for review and approval of special land uses that, because of their unique characteristics, require additional consideration in relation to the welfare of adjacent land, uses, residents, and the Township as a whole. This Chapter is intended to provide a consistent and uniform method for review of special use applications; ensure full compliance with the standards of this Ordinance; achieve efficient use of land; prevent adverse impacts on neighboring uses or public facilities; and facilitate development in accordance with the Master Plan.
- b. **AUTHORITY TO GRANT PERMITS.** The Planning Commission shall have the authority to grant, to deny, or to grant with conditions special use permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all land uses listed in Section 3.6 (District Regulation Tables) as a special land use.

SECTION 12.2 PRE-APPLICATION MEETING.

An applicant may request a pre-application meeting with the Planning Commission, Township Planner or Zoning Administrator for the purpose of discussing the proposal, submittal

requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.



Special Use Review Process

SECTION 12.3 SPECIAL USE REVIEW PROCEDURE.

All special use permit applications shall be submitted and reviewed as follows:

- a. **ELIGIBILITY.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use permit approval is sought, or by the owner's designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application for special use approval. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.
- b. **REQUIRED FEES AND ESCROW DEPOSITS.** The Township Board shall establish, by resolution, fees and escrow deposits for review of special use permit applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No fee or escrow deposit shall be required for a special use permit application submitted by the Township.
- c. **FILING OF APPLICATION.** A special use permit request shall be made by filing at least ten (10) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk, along with the required review fee and escrow deposit. The application shall be filed at least 30 calendar days prior to a regularly scheduled Planning Commission meeting, and shall include the following minimum information:
 - 1) Name, address, and other contact information for the applicant and owners of record, along with proof of ownership.
 - 2) The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
 - 3) Legal description, address, and tax parcel number of the property.
 - 4) A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives and other improvements.
 - 5) A detailed description of the proposed use.
 - 6) A site plan meeting the requirements of Chapter 8.0 (Site Plan Review).

- d. REVIEW PROCEDURE. Special use permit applications shall be shall be reviewed in accordance with following:
 - 1) TECHNICAL REVIEW. Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and the Township Planner for review and comment. The Zoning Administrator or Planning Commission Chair may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
 - 2) COORDINATION WITH SITE PLAN REVIEW. A site plan associated with a special land use shall not be approved unless the special use permit has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
 - 3) PUBLIC HEARING. A public hearing shall be held for all special uses held, subject to the requirements of Section 9.5 (Notice Requirements for Public Hearings).
 - 4) PLANNING COMMISSION CONSIDERATION. Subsequent to the hearing, the Planning Commission shall review the application for special use permit approval, together with reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and standards contained in Section 12.5 (Standards for Special Use Approval).
 - 5) PLANNING COMMISSION ACTION. The Planning Commission is authorized to approve, approve subject to conditions, postpone action or deny the special use as follows:
 - a) APPROVAL. The special use shall be approved upon determination that it is in compliance with the provisions of this Ordinance, including Section 12.5 (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
 - b) APPROVAL SUBJECT TO CONDITIONS. The special use may be approved subject to reasonable conditions established in accordance with Section 12.4 (Conditions of Approval).
 - c) POSTPONEMENT. The Planning Commission may postpone action on the special use application until a later meeting upon determination that a special use application is incomplete or additional information is needed, upon failure of the applicant to attend the meeting, or upon request by the applicant.
 - d) DENIAL. Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 12.5 (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for denial of the special use permit.
- e. RECORDING OF PLANNING COMMISSION ACTION. Planning Commission action on the special use application shall be recorded in the Planning Commission meeting

minutes, stating the name, description, and location of the proposed use, address and parcel tax identification number, grounds for the Commission's action, and any conditions of approval. One (1) copy of the written record shall be placed on file at the Township offices per State of Michigan retention guidelines, and one (1) copy shall be forwarded to the applicant as evidence of the Commission's action.

SECTION 12.4 CONDITIONS OF APPROVAL.

In granting a special use permit, the Planning Commission shall impose any conditions it deems necessary to achieve the objectives and standards of this Ordinance, the Township's Master Plan, and the public health, safety, and welfare.

- a. The conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed land use or activity, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.
- b. The conditions shall be related to the valid exercise of the police power of the Township, and purposes that are affected by the proposed special land use.
- c. The conditions imposed shall be necessary to meet the intent and purpose of the Ordinance, shall be related to the standards established in the Ordinance for special uses, and shall be necessary to ensure compliance with those standards.
- d. Conditions imposed with respect to the approval of a special use permit shall remain unchanged except upon the mutual consent of the Township and the landowner as approved in accordance with this Chapter. Such conditions shall be continuing obligations and are binding on any heirs and assigns, and upon any persons taking title to the subject property.

SECTION 12.5 STANDARDS FOR SPECIAL USE APPROVAL.

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

- a. **COMPATIBILITY WITH ADJACENT USES.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- b. **COMPATIBILITY WITH THE MASTER PLAN.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
- c. **COMPLIANCE WITH APPLICABLE REGULATIONS.** The proposed special use is in compliance with all applicable Ordinance requirements.
- d. **IMPACT UPON PUBLIC AND UTILITY SERVICES.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

- e. ENVIRONMENTAL AND PUBLIC HEALTH, SAFETY, WELFARE IMPACTS. The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.
- f. ISOLATION OF EXISTING USES. Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

SECTION 12.6 COMPLIANCE WITH SPECIAL LAND USE APPROVAL.

It shall be the responsibility of the property owner and operator of the use for which special use permit approval has been granted to develop, operate, and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of approval until the use is discontinued. Failure to comply with Ordinance requirements or conditions of approval shall be considered a violation of this Ordinance and may be punished in accordance with the provisions of Section 9.3 (Enforcement); and shall constitute grounds for rescinding special land use permit approval in accordance with Section 12.9 (Rescinding Special Land Use Approval).

- a. Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner(s).
- b. Compliance with special use permit terms and conditions shall be evaluated periodically by the Zoning Administrator, or as otherwise directed by the Planning Commission.

SECTION 12.7 ALTERATION AND EXPANSION.

An approved special use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any alteration or expansion of an existing special land use shall require approval of a special land use permit in accordance with this Chapter.

Any use lawfully existing on the date of adoption of this Ordinance or an amendment thereof that is considered or permitted as a special land use under this Ordinance or amendment may continue as a nonconforming use subject to Section 4.6 (Nonconformities) until such time as a special use permit application is submitted and approved in accordance with this Chapter.

SECTION 12.8 RE-APPLICATION.

No re-application, re-consideration, or re-hearing of a special land use request that has been denied by the Planning Commission shall be considered until the expiration of 365 calendar days from the date of denial, unless based upon proof of materially changed conditions or new information sufficient to warrant consideration by the Planning Commission. Review of a re-application shall follow the same process as for a new application under this Chapter.

SECTION 12.9 RESCINDING SPECIAL LAND USE APPROVAL.

Approval of a special use permit may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or special use permit approval. Such action shall be subject to the following:

- a. PUBLIC HEARING. Such action may be taken only after a public hearing has been held, subject to the requirements of Section 9.5 (Notice Requirements for Public Hearings), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- b. DETERMINATION. Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

SECTION 12.10 APPEALS.

The decision of the Planning Commission under this Chapter is final. The Zoning Board of Appeals shall have no authority to consider any appeal of a special use permit decision by the Planning Commission.

PART F.

All ordinances and amendments thereto that are in conflict with this Ordinance are hereby repealed.

PART G.

Adopted by the Township Board of Trustees for Lee Township, Midland County, Michigan, at a meeting of the Township Board held on the _____ day of _____, 20___. This ordinance shall become effective on the eighth (8th) day following publication thereof.

Dated: _____, 20__ George Whittington, Supervisor

Laura Dawson, Clerk

CERTIFICATION

The above Ordinance No. _____ was adopted at a meeting of the Lee Township Board of Trustees on the _____ day of _____, 20___; and published in the _____, a newspaper of general circulation in Lee Township, Midland County, Michigan on the _____ day of _____, 20___.

Laura Dawson, Clerk

**LEE TOWNSHIP
MIDLAND COUNTY, MICHIGAN**

ORDINANCE NO. _____

[AN ORDINANCE TO AMEND THE LEE TOWNSHIP ZONING ORDINANCE TO REVISE THE APPROVAL PROCEDURES, REQUIREMENTS, AND STANDARDS FOR SITE PLAN REVIEW AND ADD PROVISIONS FOR ZONING PERMITS, FEES, AND PERFORMANCE GUARANTEES, BY AUTHORITY OF PUBLIC ACT 110 OF 2006, BEING MCL 125.3101 ET. SEQ., AS AMENDED.]

LEE TOWNSHIP, MIDLAND COUNTY, MICHIGAN, HEREBY ORDAINS:

PART A.

[DELETE and REPLACE the text of Chapter 8.0 (Site Plan Review) of the Lee Township Zoning Ordinance in its entirety with new Sections 8.1 through 8.16, as follows:]

SECTION 8.1 PURPOSE.

The purposes of this Chapter are to establish uniform requirements of procedure for review of site plans for new development in Lee Township; to assure both those developing property and the responsible Township officials that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a zoning permit and the starting of construction; and to ensure that development in the Township is consistent with the adopted policies of the Township's Master Plan. Flexible standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and intensity.

The Planning Commission shall have the authority to review and take action on minor site plan, preliminary site plan, and final site plan applications in accordance with the standards of this Chapter and Ordinance.

- a. **MINOR SITE PLAN.** The reduced information requirements for a minor site plan submittal, as specified in Section 8.7 (Required Site Plan Information), are intended to allow for efficient and economical review of a limited range of low intensity projects that do not include significant engineering details.
- b. **PRELIMINARY SITE PLAN.** The requirements for a preliminary site plan submittal are intended to allow for review of the general character of the proposed use(s), general site layout, and location of structures and other site improvements; and to confirm that the overall development can conform to Ordinance requirements.
- c. **FINAL SITE PLAN.** A final site plan is a detailed construction document based upon an approved preliminary site plan, prepared by a registered design professional, with approval from all applicable review agencies, and meeting all requirements of this Chapter and Ordinance.

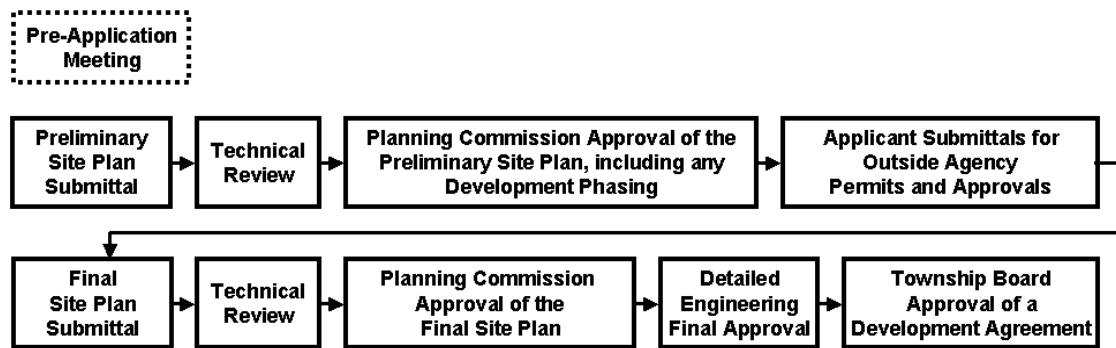
SECTION 8.2 SITE PLAN APPROVAL REQUIRED.

No permits shall be issued, no construction of or addition to any structure shall take place, and no land use for which site plan approval is required shall be established or expanded until all required site plans have been approved in accordance with this Chapter. Except as permitted in accordance with this Chapter, no grading, grubbing, cutting of trees or other vegetation, excavation, land-filling, or construction of improvements shall commence for any development for which site plan approval is required until all required site plans have been approved.

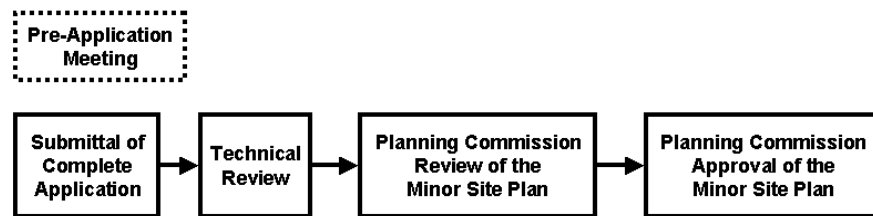
- a. PRELIMINARY/FINAL SITE PLAN APPROVAL. The following development projects and uses shall require review and approval of a preliminary site plan and a final site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:
 - 1) Special uses in any zoning district, except for those eligible for minor site plan approval per Section 8.2B (Minor Site Plan Approval).
 - 2) Cemeteries, golf courses, grain and seed elevators, childcare and day care centers, commercial greenhouses, institutions (cultural, educational, religious), parks, and veterinary hospitals/clinics in the Residential Farming (AG), Single-Family Residential (R-A), Multiple-Family Residential (R-B), and Manufactured Home Park (R-C) Districts; except for those eligible for minor site plan approval per Section 8.2B (Minor Site Plan Approval).
 - 3) The proposed project will have more than two (2) dwelling units.
 - 4) The proposed project is in a Commercial (C) Zoning District, except for those eligible for minor site plan approval per Section 8.2B (Minor Site Plan Approval).
 - 5) The proposed project is in an Industrial (I) district, except for those eligible for minor site plan approval per Section 8.2B (Minor Site Plan Approval).
 - 6) Any parking lot or addition thereto of more than five (5) parking spaces.
 - 7) Construction, expansion or alteration of a manufactured housing park, except for those eligible for minor site plan approval per Section 8.2B (Minor Site Plan Approval).
 - 8) Construction, expansion or alteration of a condominium development, except for projects eligible for minor site plan approval per Section 8.2B (Minor Site Plan Approval).
 - 9) Construction, extension or alteration of a private road.
 - 10) Expansion, extension or abandonment of any public or private overhead or underground utility or utility lines or easement.
 - 11) Any other projects for which site plan approval is required under this Ordinance or other Township ordinances.
- b. MINOR SITE PLAN APPROVAL. The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:
 - 1) Accessory structures and uses in a Commercial (C) District or Industrial (I) District.
 - 2) Bed and breakfasts.
 - 3) Childcare organizations, other than childcare centers and day care centers, with a licensed capacity of at least seven (7) children in the Residential Farming (AG), Single-Family Residential (R-A), Multiple-Family Residential (R-B), and Manufactured Home Park (R-C) Districts.
 - 4) Cottage industry in the Residential Farming (AG), Single-Family Residential (R-A), and Multiple-Family Residential (R-B) Districts.

- 5) Kennels, Commercial in the Residential-Farming (AG) District.
 - 6) Medical hardship housing opportunity.
 - 7) Stables, public.
 - 8) Temporary buildings and structures.
 - 9) Temporary indoor and outdoor uses.
 - 10) A change of use for an existing building, construction of an addition to an existing building, or expansion of lawful land use, subject to the following:
 - a) The site has previously received site plan approval.
 - b) The proposed use will not require substantial access, parking or site alterations.
 - c) No variances to the requirements of this Ordinance are required.
 - d) The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 2,000 square feet, whichever is less.
 - 11) Any parking lot or addition thereto of five (5) or fewer parking spaces.
 - 12) Re-occupancy of an existing building vacant for more than 180 calendar days.
 - 13) Similar projects and uses, as accepted by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.
- c. ADMINISTRATIVE APPROVAL. The following activities are eligible for Zoning Administrator review and approval. The Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:
- 1) Incidental changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved final site plan.
 - 2) Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
 - 3) Limited changes to a site that has previously received site plan approval as required for compliance with State Construction Code requirements.
 - 4) Sidewalk or pedestrian pathway construction, or barrier-free improvements.
 - 5) Construction of fences, exterior lighting improvements, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.
 - 6) Re-occupancy of an existing building vacant for less than 180 calendar days.

d. SUMMARY OF THE SITE PLAN REVIEW PROCESSES.



Preliminary and Final Site Plan Approval Process



Minor Site Plan Approval Process

SECTION 8.3 PRE-APPLICATION MEETING.

An applicant may request a pre-application meeting with the Planning Commission, Township Planner and/or Zoning Administrator for the purpose of discussing conceptual development plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, and the general layout of proposed structures and site improvements. Comments or suggestions regarding a conceptual site plan shall be advisory only, and shall constitute neither approval nor a disapproval of the plan.

SECTION 8.4 APPLICATIONS FOR SITE PLAN APPROVAL.

All site plan approval applications shall be submitted and reviewed as follows:

- a. **ELIGIBILITY.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which site plan approval is sought, or by the owner’s designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application for site plan approval. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

- b. **REQUIRED FEES AND ESCROW DEPOSITS.** The Township Board shall establish, by resolution, fees and escrow deposits for review of site plan approval applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No fee or escrow deposit shall be required for a site plan approval application submitted by the Township.
- c. **FILING OF APPLICATION.** At least ten (10) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application shall be filed with the Township Clerk or designee, along with the required review fee and escrow deposit. Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section 8.7 (Required Site Plan Information), and shall be filed at least 30 calendar days prior to a regularly scheduled Planning Commission meeting.
- d. **TECHNICAL REVIEW.** Prior to Planning Commission consideration, copies of the site plan and application materials shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment. The Zoning Administrator or Planning Commission Chair may also request preliminary comments from other officials or outside agencies with jurisdiction. Any application that is determined not to satisfy the requirements of this Section shall be considered incomplete and shall be returned to the applicant.

SECTION 8.5 PLANNING COMMISSION ACTION.

The Planning Commission shall review the minor, preliminary or final site plan and application materials at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any other officials or outside agencies with jurisdiction.

- a. **ACTIONS.** The Planning Commission is authorized to approve, approve subject to conditions, postpone action, or deny the minor, preliminary or final site plan as follows:
 - 1) **APPROVAL.** The site plan shall be approved by the Planning Commission upon determination that:
 - a) All required information for the type of site plan has been provided per Section 8.7 (Required Site Plan Information);
 - b) The site plan satisfies the standards of Section 8.10 (Standards for Site Plan Approval) applicable to the type of site plan; and
 - c) The site plan is in compliance with all other applicable standards and conditions imposed by this Ordinance, other applicable Township ordinances, and state statutes, and is consistent with the policies of the Township Master Plan.
 - 2) **APPROVAL SUBJECT TO CONDITIONS.** The Planning Commission may approve the site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
 - 3) **POSTPONEMENT.** Upon determination by the Planning Commission that the site plan is not sufficiently complete for approval or denial, failure of the applicant to

attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration of the site plan.

- 4) DENIAL. Upon determination that the site plan does not comply with the standards and conditions imposed by this Ordinance or other applicable Township ordinances or state statutes, is not consistent with the policies of the Township Master Plan, or would require extensive revisions to comply with such requirements, the site plan shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.
- b. RECORDING OF SITE PLAN ACTION. Planning Commission action on the minor, preliminary or final site plan shall be recorded in the Commission meeting minutes, stating the project name and location, plan revision date, findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval.
 - 1) The Planning Commission shall advise the applicant in writing of its actions on the site plan. Sending a copy of the meeting minutes at which action was taken by first class mail, electronic mail, or facsimile may constitute written notification.
 - 2) After the Commission has taken action on the site plan, the Planning Commission Secretary shall mark copies of the site plan APPROVED or DENIED as appropriate, with the date that action was taken and any conditions of approval. The Secretary and applicant or legal representative(s) thereof shall also sign copies of the site plan.
 - 3) If a site plan is denied, the Secretary shall provide a written record to the applicant within ten (10) days following the action listing the reasons for the denial.
 - 4) Signed copies of an approved final site plan shall be made available to the Zoning Administrator, Township Clerk, and the applicant. At least one (1) paper copy and/or one (1) digital copy of the approved final site plan shall be placed on file at the Township offices per State of Michigan retention guidelines.
 - c. EFFECT OF MINOR SITE PLAN APPROVAL. Planning Commission approval of a minor site plan authorizes issuance of zoning permits to begin site work or construction, provided all construction and engineering requirements and conditions of approval have been met. The minor site plan shall be the authorized construction plan for the project.
 - d. EFFECT OF PRELIMINARY SITE PLAN APPROVAL. Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 8.10 (Standards for Site Plan Approval).
 - 1) Preliminary site plan approval does not authorize any issuance of permits, preliminary site work, site clearing or any construction or development activity associated with the project.
 - 2) The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to final site plan approval.
 - e. EFFECT OF FINAL SITE PLAN APPROVAL. Planning Commission approval of a final site plan authorizes issuance of zoning permits to begin site work or construction,

provided all construction and engineering requirements and conditions of approval have been met. The final site plan shall be the authorized construction plan for the project.

SECTION 8.6 COMBINING PRELIMINARY AND FINAL SITE PLANS.

At the applicant's discretion and risk, and with the acceptance of the Planning Commission, a combined preliminary and final site plan application may be submitted for review and action as one application. The applicant shall pay the established fee and escrow deposit for this review.

- a. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.
- b. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant.
- c. The Planning Commission has the discretion to take action on a combined application as a preliminary site plan submittal, upon determination that the site plan does not satisfy the standards for final site plan approval.

SECTION 8.7 REQUIRED SITE PLAN INFORMATION.

The following minimum information shall be included with any application for site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DESCRIPTIVE INFORMATION			
Name, address, and other contact information for the applicant and property owners, along with proof of ownership and signed consent if applicant is not the owner.	●	●	●
Name, address, and other contact information of the firm or individual preparing the site plan. Site plans prepared by an architect, community planner, engineer, landscape architect or land surveyor shall bear the individual's professional seal.	●	●	●
A final site plan shall be prepared and sealed by an architect, engineer, landscape architect or land surveyor registered in the State of Michigan.			●
Location, address(es), and tax identification number(s) of subject parcel(s).	●	●	●
Dimensions of the site, and the gross and net land area.	●	●	●
Legal description(s) of the subject parcel(s).		●	●
Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.		●	●
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.			●
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.		●	●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Gross and net dwelling unit density for residential projects.		●	●
A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.		●	●
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●
SITE PLAN DATA AND NOTES			
Minor site plans shall be drawn to a scale appropriate for a sheet size between 8.5 inches by 11 inches (minimum) and 24 inches by 36 inches (maximum); and of such accuracy that the Planning Commission can readily interpret the plan.	●		
Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:50 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.		●	●
Vicinity map showing the general location of the site.	●	●	●
Scale, north arrow, initial plan date, and any revision date(s).	●	●	●
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●
Owners' names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).		●	●
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.		●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●
Percentage of lot coverage and total ground floor area.		●	●
Calculations for parking and other applicable Ordinance requirements.	●	●	●
EXISTING CONDITIONS			
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	●	●	●
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.		●	●
SITE PLAN DETAILS			
Delineation of required yard setbacks and other applicable dimensional standards.	●	●	●
Identification of general location(s) and area(s) of each development phase.		●	●
Planned construction program and schedule for each development phase.		●	●
Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.	●	●	●
Location, type, area, height, and lighting specifications of proposed signs.	●		●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	●		●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Location, area, and dimensions of any outdoor sales, display or storage areas.	●	●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross-section showing materials and dimensions.		●	●
BUILDING DESIGN AND ORIENTATION			
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.		●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.		●	●
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.		●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.			●
ACCESS AND CIRCULATION			
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.	●	●	●
Details of the location, width, and paving of proposed sidewalks and pedestrian ways, including alignment, cross section, connections to existing or planned off-site facilities, and easement or right-of-way dedications.			●
Parking space dimensions, pavement markings, and traffic control signage.	●	●	●
Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.		●	●
Identification of proposed names for new public or private roads serving the site.		●	●
Spot elevations for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions.			●
NATURAL FEATURES AND OPEN SPACE AREAS			
A general description and preliminary delineation of existing natural features on and abutting the site.		●	●
Details of all existing natural features on the site, with indications of features to be preserved, removed or altered; and proposed mitigation measures where required.			●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Description of the organization that will own and maintain any open space or recreation areas, and a long-term maintenance plan for such areas.			●
SCREENING AND LANDSCAPING			
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●	●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.			●
Planting list for all landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.			●
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.			●
Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.	●	●	●
Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.	●	●	●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING			
General or conceptual layout of existing and proposed potable water supply systems, sanitary sewerage or septic systems, and stormwater management facilities serving the site.		●	●
Size, capacity, layout, and other details of the potable water supply system, sanitary sewerage or septic system, and stormwater management facilities serving the site.			●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.			●
Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.			●
Calculations for capacity of stormwater management and drainage facilities.			●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.			●
General areas of intended filling or cutting.		●	●
Directional arrows showing existing and proposed drainage patterns on the lot.	●		●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site.			●
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.		●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.			●
ADDITIONAL REQUIRED INFORMATION			
Other information as requested by the Township Planner or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, Master Plan policies, and other applicable Township ordinances or state statutes.	●	●	●

SECTION 8.8 EXPIRATION OF SITE PLAN APPROVAL.

Planning Commission approval of a site plan shall expire in accordance with the following:

- a. EXPIRATION OF MINOR SITE PLAN APPROVAL. A minor site plan shall expire and be of no effect unless, within 365 calendar days of the Planning Commission's approval, appropriate permits have been approved, construction has begun on the property, and such work is diligently pursued in conformance with the approved minor site plan.
- b. EXPIRATION OF PRELIMINARY SITE PLAN APPROVAL. Approval of a preliminary site plan shall be valid for a period of 365 calendar days from the date of approval and shall expire and be of no effect unless a application for final site plan approval for all or part of the area included on the approved preliminary site plan is filed with the Township Clerk within that time period.
 - 1) If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously-approved final site plan.
 - 2) If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case, the Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.
- c. EXPIRATION OF FINAL SITE PLAN APPROVAL. A final site plan shall expire and be of no effect unless, within 545 calendar days of the Planning Commission's approval, appropriate permits have been approved, construction has begun on the property, and such work is diligently pursued in conformance with the approved final site plan.
- d. EXTENSION OF SITE PLAN APPROVAL. The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary or final site plan approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with applicable provisions of this Ordinance.

SECTION 8.9 PHASING OF DEVELOPMENT.

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

- a. The preliminary site plan application shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
- b. A separate final site plan application shall be required to be submitted for each phase.
- c. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
- d. The Planning Commission may require the applicant to post a performance guarantee per Section 9.7C (Performance Guarantees) to ensure that vehicular and pedestrian

ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later development phases are completed in a timely manner.

SECTION 8.10 STANDARDS FOR SITE PLAN APPROVAL.

In reviewing a minor, preliminary, or final site plan, the Planning Commission shall determine that the following standards are met, as applicable to the type of site plan:

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Plan
The applicant is legally authorized to apply for site plan approval, and all required information has been provided.	●	●	●
The proposed development conforms to the applicable standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●
The final site plan is consistent with the approved preliminary site plan.			●
The proposed development will be harmonious with and not harmful, injurious, or objectionable to the environment or land uses in surrounding area.	●	●	●
The proposed development respects natural topography, floodways, and floodplains; and minimizes the amount and extent of cutting and filling.		●	●
Organic, wet, or other soils that are not suitable for development will be undisturbed, or modified in such fashion as to make development feasible.		●	●
The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.	●	●	●
The proposed development is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.		●	●
Satisfactory and harmonious relationships will exist between the proposed development and the existing and planned development of contiguous lands and the surrounding area, including provisions for proper extensions of public roads and sidewalks through the development in accordance with the policies of the Township Master Plan.		●	●
Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for access, utilities, drainage or erosion control.		●	●
The plan, including all engineering drawings, meets Township standards for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.			●
The drainage plan conforms to applicable drainage and stormwater management standards, and any proposed improvements are adequate to handle anticipated stormwater runoff and accommodate upstream drainage without causing undue runoff on to neighboring property or overloading of area watercourses.			●
Proposed screening, buffering, and landscaping improvements are adequate for the location and intended purpose, and conform to the standards of this Ordinance.	●		●
Exterior lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent roads.	●		●
The parking layout and vehicular circulation patterns and access points to the site are adequate to serve the proposed uses and will not adversely affect the flow of traffic on adjacent roads or create pedestrian-vehicle conflicts.	●		●
Grading or filling will not destroy or adversely affect the character of the property, adjacent properties or the surrounding area.			●

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

SECTION 8.11 COMPLIANCE WITH AN APPROVED SITE PLAN.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township in accordance with Section 9.7C (Performance Guarantees).

SECTION 8.12 AMENDMENT AND REVISION.

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Chapter. Requests for approval of a major or minor change to an approved site plan shall be made by the petitioner in writing to the Planning Commission. The burden shall be on the petitioner to show good cause for any requested change.

- a. APPLICATION. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.
 - 1) The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
 - 2) All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
- b. REVIEW. The Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. The Commission shall record its determinations and reasons therefore in the minutes of the meeting at which the action is taken. For minor changes to an approved site plan, the Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor changes, for purposes of record.
- c. AMENDMENT. If the Planning Commission determines that a major change requires submittal of an amended site plan for approval, the applicant shall follow the same procedure outlined in this Chapter for a new site plan submittal.

SECTION 8.13 RESCINDING SITE PLAN APPROVAL.

A minor or final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

- a. PUBLIC HEARING. Such action may be taken only after a public hearing has been held subject to the requirements of Section 9.5 (Notice Requirements for Public Hearings), at which time the property owner and the owner or operator of the use(s) for which site plan approval has been granted shall be given an opportunity to present evidence in opposition to rescission.
- b. DETERMINATION. Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner(s).

SECTION 8.14 CONFORMING TO CONSTRUCTION DRAWINGS.

The applicant shall provide drawings showing all improvements as actually constructed and installed on a site for which a final site plan was approved. One (1) paper copy and one (1) digital copy (in a format compatible with Township systems) of the drawings shall be submitted to the Zoning Administrator, which shall be subject to field verification prior to the release of any performance guarantee or part thereof for the completion of such improvements.

Conforming to construction drawings shall show, at a minimum, the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines. The drawings shall be identified as "Conforming to Construction Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

SECTION 8.15 INSPECTION.

The Zoning Administrator shall be responsible for verifying that all improvements conform to the approved site plan, with inspection assistance as needed from the Township Planner or other Township consultants. The applicant shall be responsible for requesting such inspections. Sub-grade improvements, such as utilities, sub-base for drives and parking lots, and similar improvements shall be subject to Township inspection prior to covering.

The Zoning Administrator shall notify the Planning Commission Chair in writing when an approved development has passed inspection with respect to the approved site plan. When an approved development does not pass inspection with respect to the approved site plan, the Zoning Administrator shall notify the Planning Commission Chair in writing about the noncompliance, steps taken to correct the violations, and progress toward compliance with the approved site plan.

SECTION 8.16 VIOLATIONS.

A site plan approved under this Chapter shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Supervisor, Zoning Administrator or

other Township ordinance enforcement official to order that all work be stopped, and to order that permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township. Any violation of any provision of this Chapter or approved site plan, including any conditions of approval, shall be deemed a violation of this Ordinance subject to the provisions of Section 9.3 (Enforcement).

Part B.

[INSERT new Sections 9.6 (Zoning Permits) and 9.7 (Fees and Performance Guarantees) to the Lee Township Zoning Ordinance, as follows:]

SECTION 9.6 ZONING PERMITS.

No structure or site shall be used, erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit from the Township. No zoning permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in full conformance with this Ordinance. Failure to obtain a zoning permit shall be a violation of this Ordinance subject to the provisions of Section 9.3 (Enforcement). Review and approval of zoning permits shall be subject to the following:

- a. APPLICATION. Zoning permit applications shall be made to the Zoning Administrator, and shall include any required fee as established by the Township Board. Applications shall include all information and plans necessary to verify zoning compliance.
 - 1) Application for a zoning permit may be made either by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.
 - 2) If someone other than the owner submits the application, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the owner authorizes the proposed work or operation authorizes the applicant to make such application. The full names and addresses of the owner, lessee, applicant, and the responsible officers if the owner or lessee is a corporate body, shall be stated in the application.
 - 3) Land uses and development projects subject to approval per Section 8.2 (Site Plan Approval Required) shall follow the requirements of Chapter 8.0 (Site Plan Review).
- b. APPLICATION INFORMATION. Zoning permit applications shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:
 - 1) A plot plan showing the location, shape, and dimension of the lot, and plan view and elevation drawing(s) showing the location, outline, dimensions, and height of existing and proposed structures on the lot.
 - 2) The location and nature of the proposed construction or alteration activities.
 - 3) The yard setback dimensions of all proposed or altered structures to the nearest lot boundaries, and to the nearest road right-of-way line or road centerline.
 - 4) A description of the existing and proposed uses of the structures and lot.
 - 5) Any other information deemed necessary by the Zoning Administrator to determine compliance with the applicable requirements of this Ordinance, which may include

but is not limited to floodplain or wetland delineations, topographic data, site grading or drainage information, and/or a professional property survey.

- c. APPROVAL OR DENIAL. The Zoning Administrator shall examine or have cause to be examined all applications for a zoning permit and amendments thereto. If the application or plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject the application in writing, stating the reasons therefore, within 20 calendar days of filing. Upon determination that the application and plans conform to all requirements of this Ordinance, the Zoning Administrator shall issue a zoning permit.
- d. INSPECTIONS. The Zoning Administrator shall inspect work performed under an approved zoning permit to verify Ordinance compliance. It shall be the duty of the holder of every zoning permit to notify the Township when the work subject to the zoning permit is ready for inspection. Upon determination that the work has not been completed in conformance with this Ordinance, the Zoning Administrator shall take action in accordance with Section 9.3 (Enforcement) to correct the violation.
- e. REVOCATION AND AMENDMENTS. The Zoning Administrator may revoke the zoning permit upon determining that any false statement or misrepresentation of fact was made in the application or associated plans, or any Township ordinances has been violated. Subject to the limitations of Section 9.6F (Zoning Permit Expiration), amendments to a zoning permit application or plan regulated by this Section may be filed at any time before completion of the work for which the zoning permit was approved. The Zoning Administrator shall review amendments in the same manner as the original application.
- f. ZONING PERMIT EXPIRATION. Zoning permit approval shall expire 365 calendar days after the date of approval if any required building permit has not been issued for the project, or the authorized work has been suspended, abandoned or not diligently pursued to completion. The Zoning Administrator may, upon written request and showing of good cause by the applicant, grant an extension of zoning permit approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved zoning permit remains in conformance with applicable provisions of this Ordinance.

SECTION 9.7 FEES AND PERFORMANCE GUARANTEES.

The Township Board shall establish a fee schedule by resolution to defray fixed costs and expenses incurred by the Township to perform functions required under this Ordinance. The Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Administrator may also require an applicant to deposit funds with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on an application or appeal until the Township Treasurer has accepted required fees and escrow deposits.

- a. APPLICATION FEES FOR FIXED COSTS AND EXPENSES. Fixed costs and expenses for the processing of permits and applications for zoning, use, development or other approvals may be assessed as application fees, either as a nominal charge or based on a cost analysis. If based on cost analysis, the sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.
 - 1) Fees are non-refundable, even when the application is subsequently withdrawn by the applicant, but may be waived by the Township Board for good cause.

- 2) The application fee amount shall be established by Township Board resolution. The fee schedule shall be available for public viewing in the Township offices.
 - 3) The amount is intended to cover the fixed costs and expenses associated with the review of the application, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by board or commission members.
- b. ESCROW DEPOSITS FOR VARIABLE COSTS AND EXPENSES. The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where input, study or review by a qualified professional planner, engineer, attorney or other professional is desired before a final decision is made. The amount of the escrow deposit shall be determined by the Township, and at a minimum shall be equal to the higher of the amount established in the Township's adopted fee schedule for the type of application, or the Township's estimated cost for completion of final action on the application.
- 1) The Township Clerk shall manage the escrow, and the funds shall be deposited with the Township Treasurer before the cost or expense is incurred. The funds will not be deposited in an interest bearing account. The escrow deposit shall be held in the applicant's name and shall be used solely to defray these variable costs and expenses.
 - 2) The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate. Upon request by the applicant, the Township shall provide copies of written reports and expense statements for the professional services rendered.
 - 3) If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or is otherwise determined by the Township to be insufficient to complete the application review process, then the Township may require the applicant to deposit additional funds into escrow in an amount equal to the Township's estimated cost for completion of final action on the application.
 - 4) Failure of the applicant to make any escrow deposit required under this Section shall be deemed to make the application incomplete and procedurally defective, and shall constitute grounds for denial of the application.
 - 5) Any unexpended funds held in escrow shall be returned to the applicant following final action on the application. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant, and shall be paid by the applicant prior to the issuance of any permit or other necessary Township approval action.
- c. PERFORMANCE GUARANTEES. To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board, Planning Commission or Zoning Administrator may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any zoning permits, and shall be subject to the following:
- 1) The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant and as approved by the designated Township consultants.

- 2) "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, parking, lighting, utilities, sidewalks, landscaping and screening, and drainage.
- 3) The form of the deposit shall be cash, certified check, bond, irrevocable bank letter of credit from a bank with offices in Michigan, or other surety acceptable to the Township Board.
- 4) Performance guarantees shall continue until the Zoning Administrator has determined that the conditions for release of the guarantee have been met.
- 5) As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. A minimum of ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

PART C.

All ordinances and amendments thereto that are in conflict with this Ordinance are hereby repealed.

PART D.

Adopted by the Township Board of Trustees for Lee Township, Midland County, Michigan, at a meeting of the Township Board held on the _____ day of _____, 20____. This ordinance shall become effective on the eighth (8th) day following publication thereof.

Dated: _____, 20____ _____
George Whittington, Supervisor

Laura Dawson, Clerk

CERTIFICATION

The above Ordinance No. _____ was adopted at a meeting of the Lee Township Board of Trustees on the _____ day of _____, 20____; and published in the _____, a newspaper of general circulation in Lee Township, Midland County, Michigan on the _____ day of _____, 20____.

Laura Dawson, Clerk

**LEE TOWNSHIP
MIDLAND COUNTY, MICHIGAN**

ORDINANCE NO. _____

[AN ORDINANCE TO AMEND THE LEE TOWNSHIP ZONING ORDINANCE TO REVISE THE APPROVAL PROCEDURES, REQUIREMENTS, AND STANDARDS FOR WIRELESS COMMUNICATION FACILITIES, BY AUTHORITY OF PUBLIC ACT 110 OF 2006, BEING MCL 125.3101 ET. SEQ., AS AMENDED; AND TO REPEAL TOWNSHIP ORDINANCE NO. 56 ENTITLED “WIRELESS COMMUNICATION FACILITIES” IN ITS ENTIRETY.]

LEE TOWNSHIP, MIDLAND COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1.

[INSERT A NEW CHAPTER 11 entitled “Wireless Communication Facilities” into the Lee Township Zoning Ordinance, consisting of new Sections 11.1 through 11.16, as follows:]

Chapter 11 ■ Wireless Communication Facilities

SECTION 11.1 PURPOSE AND INTENT

The purpose of this Chapter is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Chapter to:

- a. Permit location of wireless communication facilities, while limiting adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques to preserve the character of the Township;
- b. Require provisions for collocation of antennae on existing towers, and on new and replacement towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
- c. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use; and
- d. Establish review procedures for construction, alteration or enlargement of such facilities consistent with the requirements of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended; MCL 125.3101 et seq.), and to permit administrative review and approval of certain types of projects that have a limited scope and impact.

SECTION 11.2 GENERAL APPLICATION REQUIREMENTS

The following requirements shall apply to all applications for approval under this Chapter:

- a. **Filing of the application.** A complete and accurate application, any required review fees, shall be submitted to the Zoning Administrator or designee, who shall keep a record of all applications that have been submitted and their disposition. No action shall be taken on any application until the Township has received any required review fees.
- b. **Applicant information.** The application shall include the name, address, and contact information for the applicant, property owner, lessee, tower owner/operator, and

installation contractor; and the address or parcel identification number of the proposed site.

- 1) If someone other than the property owner submits the application, it shall be accompanied by documentation of the owner's authorization for the application.
 - 2) If the property owner, lessee or tower owner/operator is a corporation, documentation confirming the names of the responsible officers shall be provided.
- c. **Plans for the facility.** The application shall include plans for the wireless communication facility, with the following minimum required information:
- 1) An accurate, scaled drawing of the parcel, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the parcel.
 - 2) A description of the type and design of the proposed wireless communication facility.
 - 3) Setback distances between any proposed tower(s) and the nearest lot boundaries and road rights-of-way.
 - 4) Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures, including providing details of the facility type, design, materials, and height; enclosure(s); associated structures; and name and location of the tower manufacturer, if applicable.
- d. **Manufacturer's specifications.** The application shall include documentation from the wireless communication facility manufacturer demonstrating the manner in which the structure will fall in the event of accident, damage or failure, and that the facility is designed in accordance with applicable dead load and wind pressure standards.
- e. **Maintenance agreement.** The application shall include a plan for facility maintenance, including identification of the responsible parties and details regarding how the access, landscaping, screening, and security improvements will be maintained.
- f. **Documentation of compliance with standards.** The application shall include documentation of compliance with Section 11.8 (General Standards for All Wireless Communication Facilities), and with the additional standards of this Chapter that apply to the specific type of proposed wireless communication facility.

SECTION 11.3 TYPE OF REVIEW REQUIRED

Wireless communications facilities shall be reviewed in accordance with the following:

Type of Wireless Communication Facility		Required Review and Approval		
		Planning Commission	Zoning Administrator	Exempt
AMATEUR RADIO ANTENNAE & ANTENNA STRUCTURES				
Installation of any amateur radio transmission or reception antenna or antenna structure, short wave facility, contractor's business antenna structure, television reception antenna, wireless Internet antenna, citizen's band base station antenna or similar antennae or antenna structure:	Exceeding 130.0 feet in height	●		
	Up to 130.0 feet in height		●	

Type of Wireless Communication Facility		Required Review and Approval		
		Planning Commission	Zoning Administrator	Exempt
SATELLITE DISH ANTENNAE				
Installation of a satellite dish antenna with a diameter of:	1.5 meters or larger		●	
	Less than 1.5 meters			●
OTHER ANTENNAE MOUNTED ON A STRUCTURE				
Antenna(e) installation on an existing principal building or accessory structure that also includes use of an outside ground equipment enclosure area		● 90-Day Limit for Review		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed within the building or structure			●	
OTHER WIRELESS COMMUNICATION FACILITIES				
Construction of a new wireless communication facility not otherwise addressed in this table		● 90-Day Limit for Review		
Alteration or enlargement of an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater	● 60-Day Limit for Review		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		●	
Construction or expansion of equipment building(s) within an approved ground equipment enclosure			●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet		● 60-Day Limit for Review		
Collocation of new antennae on an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater	● 60-Day Limit for Review		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		●	
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet			●	
Installation of new ground equipment within an approved ground equipment building or enclosure			●	
FACILITIES AND ACTIVITIES EXEMPT FROM TOWNSHIP REVIEW				
Installation of municipal and other facilities subject to federal or state preemption of local authority				●
Repair or maintenance of an existing wireless communications facility, provided that all work conforms to approved plans and applicable codes				●

SECTION 11.4 EXEMPT FACILITIES

Facilities and activities listed as exempt from review in Section 11.3 (Type of Review Required) shall be allowed by right, subject to the applicable federal and state regulations.

SECTION 11.5 LIMITATION ON REVIEW FEES

In accordance with Section 3514 of the Michigan Zoning Enabling Act, the following limitations on review fees shall apply to wireless communication facility applications:

- a. A review fee required to accompany an application for Planning Commission approval per Section 11.3 (Type of Review Required) shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- b. No fee shall be required for facilities requiring Zoning Administrator approval per Section 11.3 (Type of Review Required).

SECTION 11.6 REVIEW PROCEDURES FOR FACILITIES SUBJECT TO ZONING ADMINISTRATOR APPROVAL

Wireless communication facilities subject to Zoning Administrator approval per Section 11.3 (Type of Review Required) shall require review and approval of an administrative permit to confirm compliance with the requirements of this Chapter, as follows:

- a. The Zoning Administrator shall receive and review the application for compliance with the applicable requirements of this Chapter, and for any application associated with an existing tower shall also confirm that the tower remains in compliance with all applicable requirements of this Chapter and conditions of the original approval action for the tower.
- b. The Zoning Administrator shall take action on the application within 14 calendar days.
 - 1) The Zoning Administrator shall approve an administrative permit upon determination that the application conforms to all applicable requirements of this Chapter.
 - 2) If the application does not conform to requirements of this Chapter, or if the existing tower is not in compliance with applicable requirements of this Chapter or conditions of the original tower approval, the Zoning Administrator shall reject the application and provide a written record to the applicant listing the reasons for rejection.
- c. It shall be the duty of the applicant to notify the Township when the work subject to administrative permit approval is ready for inspection.
- d. The Zoning Administrator may revoke an administrative permit upon determining that any false statement or misrepresentation of fact was made in the application or plans, or any Township ordinance has been violated.
- e. Administrative permit approval shall expire 365 calendar days after the date of approval if the authorized work has been suspended, abandoned or not diligently pursued to completion, or any required building permit has not been issued for the project.
- f. This requirement for administrative permit review and approval is the minimum Township action necessary to confirm compliance with the requirements of this Chapter, and any conditions of a previous approval action for an existing tower.

SECTION 11.7 REVIEW PROCEDURES FOR FACILITIES SUBJECT TO PLANNING COMMISSION APPROVAL

Wireless communications facilities subject to Planning Commission approval per Section 11.3 (Type of Review Required) shall require a public hearing, and approval in accordance with the following review procedures:

- a. **Determination of application eligibility and completeness.** Within 14 business days after an application for Planning Commission approval per Section 11.3 (Type of Review Required) is filed in accordance with this Chapter, the Zoning Administrator or designee shall review the application materials and plans to determine whether the application is administratively complete, in accordance with the following:
 - 1) The Zoning Administrator or designee shall transmit a written response to the Township Clerk and the applicant that either:
 - a) All required application information has been provided and that the application is administratively complete; or
 - b) The application is not complete, because specific items of required information are needed or a specific fee required for review of the application has not been paid. With this notice, the 14 business day period shall be tolled until the applicant submits the specified information or review fee.
 - 2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
- b. **Time limits on final action.** In accordance with Section 3514 of the Michigan Zoning Enabling Act, the following time limits shall apply:
 - 1) For wireless communication facilities subject to a “60-Day Limit for Review” per Section 11.3 (Type of Review Required), the application shall be deemed approved if no final action is taken by the Planning Commission within 60 calendar days after the date that the application is determined to be administratively complete.
 - 2) For wireless communication facilities subject to a “90-Day Limit for Review” per Section 11.3 (Type of Review Required), the application shall be deemed approved if no final action is taken by the Planning Commission within 90 calendar days after the date that the application is determined to be administratively complete.
- c. **Planning Commission action.** After an administratively complete application has been received by the Township in accordance with the requirements of this Chapter, wireless communications facilities subject to Planning Commission approval per Section 11.3 (Type of Review Required) shall be reviewed in accordance with the following:
 - 1) **Technical review.** The Township may retain, at the applicant’s expense, the services of a land use planning consultant, civil engineer, and/or wireless communications expert to review the application and prepare a report and recommendations for the Planning Commission. The Planning Commission may also request comments from outside agencies with jurisdiction.
 - 2) **Public hearing.** A public hearing shall be held for all wireless communications facilities subject to Planning Commission approval, subject to Section 9.5 (Notice Requirements for Public Hearings).

- 3) **Planning Commission consideration and action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from Township officials, consultants, outside agencies with jurisdiction, and any public comments. The Planning Commission shall verify whether the facility is in compliance with all applicable requirements of this Chapter, and is authorized to approve, approve subject to conditions, deny or postpone action on the proposed wireless communications facility as follows:
- a) **Postponement.** Upon determination by the Planning Commission that the application is incomplete or inaccurate, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b) **Denial.** Upon determination that the application is not in compliance with all applicable requirements of this Chapter for the type of wireless communication facility, or would require extensive modifications to comply with such standards, the application may be denied. If the application is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.
 - c) **Approval.** The proposed wireless communications facility may be approved by the Planning Commission upon determination that it is in compliance with all applicable requirements of this Chapter.
 - d) **Approval subject to conditions.** The proposed wireless communications facility may be approved subject to conditions intended to verify compliance with this Chapter, or to ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation. Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the applicant. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.
- d. **Recording of Planning Commission action.** Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the description and location of the proposed wireless communications facility, address and tax identification number of the parcel, the specific reasons for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant.
- e. **Compliance with approved plans.** No work may take place on the site except in accordance with the application and plans approved by the Planning Commission, and any conditions of approval.
- f. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of final approval, unless construction has begun on the property and is diligently pursued in conformance with the final approval.
- g. **Extension of approval.** Upon written request and showing of good cause by the applicant, the Planning Commission shall have authority to grant an extension of up to 365 calendar days for any wireless communications facility application approved in

accordance with this Section, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plans for the facility remain in conformance with the applicable requirements of this Chapter.

SECTION 11.8 GENERAL STANDARDS FOR ALL WIRELESS COMMUNICATION FACILITIES

The following general standards shall apply to all wireless communication facilities:

- a. **Compliance with airport zoning.** The wireless communication facility height and location shall conform to the requirements of the Airport Zoning Act (Public Act 23 of 1950, as amended), Tall Structures Act (Public Act 259 of 1959, as amended), adopted airport approach plans, and Federal Aviation Administration (FAA) regulations.
- b. **Grounded.** Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
- c. **Wind load.** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
- d. **Compliance with applicable laws and regulations.** All wireless communication facilities shall conform to applicable federal and state regulations. Copies of any required documentation of proper licensing as a wireless communication services provider and compliance with applicable regulations relative to the environmental effects of radio frequency emissions shall be provided to the Township upon request.
- e. **Not essential services.** Structures and antennae shall be regulated and permitted pursuant to this Chapter, and shall not be regulated or permitted as essential services, public utilities or private utilities.

SECTION 11.9 ADDITIONAL STANDARDS FOR AMATEUR RADIO ANTENNAE AND SIMILAR FACILITIES

The following additional standards shall apply to all amateur radio towers and antennae, short wave facilities, citizen band radio base station antennae, contractor's business antennae, television reception antennae, wireless Internet antennae, and associated antenna structures, which shall be allowed in any zoning district subject to approval per Section 11.3 (Type of Review Required):

- a. The antennae and antenna structure shall be accessory to a principal building or land use on the same lot, and shall be limited to lots with adequate lot area to accommodate the minimum requirements of this Section.
- b. The antennae and any associated antenna structure shall be set back from all lot boundaries and road rights-of-way a minimum distance equal to the required yard setbacks for the zoning district or fifty percent (50%) of the overall height of the antennae and antenna structure, whichever is greater.
- c. The antennae and antenna structure shall be allowed to exceed the maximum height standards of the zoning district, subject to the requirements of this Chapter. For retractable, telescoping, or tilt-down antennae, the height shall be established by the height of the antennae and antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

- d. For a ground-mounted antenna structure that is adjacent to and permanently secured to a principal building or accessory structure on the lot, the height shall be established by the distance between the highest point of the antennae or antenna structure and the highest anchor point to the principal building or accessory structure.
- e. The height of an antenna that is permanently mounted on a principal building or accessory structure shall not exceed the height limitations that apply to the building or structure in the zoning district by more than 15.0 feet, as measured from grade level to the highest point of the antenna.
- f. A detailed site plan conforming to the applicable requirements of Chapter 8 (Site Plan Review) shall be included with any application subject to Planning Commission approval.

SECTION 11.10 ADDITIONAL STANDARDS FOR SATELLITE DISH ANTENNAE

The following additional standards shall apply to all satellite dish antennae, which shall be allowed in any zoning district subject to approval per Section 11.3 (Type of Review Required):

- a. The antennae shall be accessory to a principal building on the same lot, and shall be located outside of all required yard setback areas.
- b. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this Section.
- c. One (1) satellite dish antenna with a diameter 1.5 meters or larger shall be permitted per lot.
- d. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.
- e. A satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements.

SECTION 11.11 ADDITIONAL STANDARDS FOR OTHER ANTENNAE MOUNTED ON A STRUCTURE

The following additional standards shall apply to other wireless communication antennae mounted on a principal building or accessory structure, which shall be allowed in any zoning district subject to approval per Section 11.3 (Type of Review Required):

- a. The antenna and mounting apparatus shall be permanently secured to the structure, and shall not exceed the height limitations that apply to the building or structure in the zoning district by more than 15.0 feet, as measured from grade level to the highest point of the antenna.
- b. The antenna and mounting apparatus shall be designed and arranged to minimize visibility and to blend with the principal building materials and colors.
- c. The antenna and mounting apparatus shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.

**SECTION 11.12 ADDITIONAL STANDARDS FOR ALL OTHER WIRELESS
COMMUNICATIONS FACILITIES**

The following additional standards shall apply to all other wireless communications facilities, including cellular towers and radio or television transmission towers, as permitted in accordance with this Chapter:

- a. **Additional application information.** The following additional application information shall be required for all other wireless communications facilities:
 - 1) **Site plan.** A detailed site plan conforming to the applicable requirements of Chapter 8 (Site Plan Review).
 - 2) **Facility inventory.** If the application includes a new tower, the applicant shall provide the following minimum inventory of existing towers in the Township and within one (1) mile of the Township's boundaries:
 - a) Identification of the owner or operator, location, height, type, and design of each tower.
 - b) A description and assessment of the suitability of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.
 - c) An assessment and illustration of feasible location(s) of future towers or antennae in the Township under the requirements of this Chapter, based on the location of the proposed tower and existing physical, engineering, technological, and geographical limitations.
 - d) An environmental impact statement disclosing any anticipated impacts on local wetlands, floodplains, wildlife corridors, natural habitat areas, and other environmental considerations.
 - 3) **Location map.** A location map for the proposed wireless communications facility, showing adjacent public roads, intersections, and other significant landmarks. If a new tower is proposed, the location map shall show the setback distance(s) from the nearest tower(s) included in the facility inventory.
 - 4) **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a second map of the same area also showing the proposed service area coverage.
 - 5) **Permission to locate.** The applicant shall submit copies of an executed lease or purchase agreement or similar proof of permission to locate a wireless communications facility on the site.
 - 6) **Collocation agreement.** The applicant for a new tower shall submit a signed and notarized agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for collocation. Proposed future antenna and equipment locations shall be indicated on the site plan and elevation drawings.
 - 7) **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Township as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees,

boards, commissions, consultants, and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

- 8) **Removal guarantee.** The application shall include a proposed removal guarantee to be posted with the Township prior to receiving a building permit from the Township's Building Inspector for the facility, which is intended to ensure removal of the facility in accordance with Section 11.16 (Cessation of Operation). The removal guarantee shall, at the election of the applicant, be in the form of (1) cash, (2) a certified check, (3) a surety bond, (4) an irrevocable bank letter of credit from a bank with offices in Michigan or (5) a signed and notarized removal agreement, in a form acceptable to the Township Board after recommendation from the Township Attorney, establishing that the applicant, property owner, lessee, and tower owner/operator are jointly and severally responsible for removing the facility and restoring the site as required by this Chapter, and for payment of any costs and attorney fees incurred by the Township during the process of securing the facility's removal. The removal agreement shall be recorded by the applicant at the Midland County Register of Deeds Office, with a copy of the recorded document provided to the Township Clerk.
 - 9) **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.
 - 10) **Backhaul network information.** Identification of the entities providing the backhaul network for the wireless communication facility described in the application and other sites owned or operated by the applicant in the township.
 - 11) **Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of all such franchises shall be filed with the Township.
 - 12) **Engineering certification.** Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating that the setback area will contain the facility in the event of a failure, and that the facility is designed to conform with the State Construction Code and all other applicable building, electrical, and fire codes.
- b. **Availability of suitable existing towers, other structures or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Planning Commission that:
- 1) There exists a need for the facility in the area of the proposed location, based on one (1) or more of the following factors:
 - a) Proximity to a state highway, areas of population, or commercial, industrial or other business activities not presently or adequately served by existing facilities;

- b) Areas where signal interference has occurred due to tall buildings, topography, masses of trees or other obstructions; or
 - c) Other identified reason(s) accepted by the Planning Commission.
- 2) No existing towers or structures located within the geographic area meet the applicant's engineering or operating requirements.
- 3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna(e) and equipment.
- 4) The applicant's proposed antenna(e) would cause electromagnetic interference with antenna(e) on an existing tower, or vice versa.
- 5) The fees, costs or contractual provisions required by the owner to share an existing tower or structure, or to adapt an existing tower or structure for collocation, exceed the cost of new tower development.
- 6) Other limiting factors render existing towers or structures unsuitable.
- 7) There is no suitable alternative technology available which would not require the use of additional towers or structures. Costs of alternative technology that exceed new facility development shall not be presumed to render the technology unsuitable.
- c. **Zoning districts and minimum lot area.** Wireless communications facilities subject to this Section shall only be permitted on land in the Residential Farming/Agriculture (AG), Commercial (C), and Industrial (I) zoning districts with sufficient lot area to accommodate the setback requirements of this Chapter and Ordinance.
- d. **Minimum separation.** No tower shall be located within one (1) mile of another wireless communication tower, irrespective of Township boundaries. The Planning Commission may waive this restriction upon determination that the facility's technical requirements make necessary an additional tower.
- e. **Minimum setbacks.** A tower and any anchoring cables shall be set back from all parcel boundaries a minimum distance equal to one hundred percent (100%) of the tower height. Ground equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
- f. **Maximum height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may approve a taller tower upon determination that:
 - 1) The additional height will result in improved access to wireless services for Township residents, beyond what could be achieved by a shorter tower;
 - 2) The additional height will expand opportunities for collocation of additional antennae beyond the capacity of a shorter tower, which may lessen the number of future towers needed to serve Township residents; and
 - 3) The additional height will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum height standard.
- g. **Tower lighting.** The tower and associated antennae shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level

visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.

- h. **Ground equipment enclosure.** All wireless communications towers, accessory structures and ground equipment shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. The tower shall also be protected by anti-climbing devices, and anchor points for guy wires supporting the tower shall be secured to prevent unauthorized access.
- i. **Screening.** A dense evergreen screen shall be provided on all sides of the ground equipment enclosure to establish a year-round screening barrier, which shall consist of a mix of coniferous tree species planted a maximum of 15 feet apart in at least two (2) staggered rows. Individual trees shall have a minimum height at planting of six (6) feet, and shall consist of species native to Michigan. Arborvitae varieties shall be prohibited due to susceptibility to deer-related damage. The Planning Commission may waive screening requirements upon determining that separation distance, adjacent structures, existing site vegetation or topography provide a sufficient buffer.
- j. **Collocation.** Wireless communications towers shall be designed, constructed, and maintained in a manner that accommodates collocation of multiple antennae on a single tower.
- k. **Access.** Unobstructed permanent access to the tower and ground equipment enclosure shall be provided for emergency vehicles. Access may be provided by an easement. Upon Township request, the tower owner shall install and maintain a “Knox Box” or other acceptable means of emergency access.
- l. **Color.** The tower and associated antennae shall be painted a color or color combination found acceptable by the Planning Commission to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings.
- m. **Tower signage prohibited.** Advertising, signs, and identification of any kind visible from the ground or abutting parcels or road rights-of-way shall be prohibited, except as required by agencies with jurisdiction for tower identification purposes.
- n. **Land division.** The division of property for the purpose of locating a wireless communication tower shall be prohibited unless all requirements of this Ordinance and other Township ordinances have been met.
- o. **Employees.** No employees shall be located on-site on a permanent basis. Employee access shall be limited to temporary repair and service activities.
- p. **Tower address.** Each wireless communications tower shall be designated with a specific and unique street address.

SECTION 11.13 COMPLIANCE REQUIRED; INSPECTIONS

The following compliance and inspection requirements shall apply to all wireless communication facilities in the Township:

- a. The applicant, property owner, lessee, and facility owner or operator are jointly and severally responsible for to developing, operating, and maintaining the wireless communication facility, including the site, structures and all improvements, in accordance with the applicable requirements of this Chapter and conditions of approval.

The property owner, lessee, and facility owner or operator shall allow the Township to inspect the facility upon request. Failure to do so shall be considered a violation of this Ordinance subject to Section 9.3 (Enforcement); and shall constitute grounds for rescinding approval in accordance with Section 11.15 (Rescinding Approval).

- b. Approval of a the wireless communication facility under this Chapter shall be valid regardless of change of ownership, provided that all terms and conditions of the approval are met by any subsequent owner(s).
- c. Compliance with the applicable requirements of this Chapter and all conditions of approval shall be evaluated periodically by the Zoning Administrator or designee, or as directed by the Planning Commission. Upon determination by the Zoning Administrator or designee that the facility may not be in compliance with the applicable requirements of this Chapter or conditions of approval, the Township may retain the services of a structural engineer and/or other consultant to inspect a wireless communication facility. The facility owner or operator shall be responsible for reimbursement of any costs incurred by the Township for this inspection service.

SECTION 11.14 EXISTING WIRELESS COMMUNICATIONS FACILITIES

Legal nonconforming wireless communication facilities shall be allowed to continue, provided such facilities are maintained in accordance with applicable federal, state, and county laws, and regulations; and in accordance with all approved plans, permits, and conditions of approval. Collocation of additional antennae on such towers shall be permitted in accordance with the requirements of this Chapter.

SECTION 11.15 RESCINDING APPROVAL

Abandonment of a wireless communication facility, or failure of the owner, operator or leaseholder of an approved wireless communication facility to renew or replace any required performance guarantee or insurance certificate, to provide required information to the Township about the facility, or to maintain and operate the facility in compliance with applicable federal or state laws or regulations, the provisions of this Chapter, or any conditions of approval shall be grounds for the Planning Commission to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- a. **Abandonment.** Any wireless communication facility that is unused for a continuous period of 365 calendar days shall be deemed abandoned. If there are two (2) or more antennae on a single tower, the tower shall not be deemed abandoned until all users cease using the tower for the 365 calendar day period.
- b. **Notice to operator.** Prior to a public hearing, the owner, operator, or leaseholder shall be given notice regarding noncompliant issues. If noncompliant issues are not corrected within a period of time, not to exceed thirty (30) calendar days, a public hearing will be scheduled to consider rescinding the previous approval in accordance with this Chapter.
- c. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission, subject to Section 9.5 (Notice Requirements for Public Hearings), at which time the owner or operator of the wireless communication facility shall be given an opportunity to present evidence in opposition to rescission.
- d. **Planning Commission action and any order for removal.** Following the hearing and deliberation, the Planning Commission shall make the final decision and provide written

notification to the owner, operator or leaseholder. If approval is rescinded, this notification shall include an order to remove the facility in accordance with Section 11.16 (Cessation of Operation) and any removal agreement associated with the facility.

SECTION 11.16 CESSATION OF OPERATION

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, or that has ceased operation for more than 365 contiguous days, subject to the following:

- a. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township to the owner, operator or leaseholder requesting such removal.
- b. Failure by the owner, operator or leaseholder to remove such facilities in accordance with this Chapter or an approved removal agreement shall be grounds for the Township to remove the facility, and to make use of any performance guarantee or other security provided for that purpose.
- c. Removal of a tower shall also include removal of any structures, foundations, and appurtenances in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures, foundations, and appurtenances shall be removed to a minimum depth of 48 inches, unless a greater depth is specified in a removal agreement. The land shall be restored to the original grade prior to the removal, with appropriate groundcover plantings consistent with the intended use of the property.
- d. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.

[Additions to the existing text of the following sections are shown in blue underlined text, and deletions from the existing text are shown in ~~red strikethrough~~ text:]

SECTION 2.

[DELETE the definition of “wireless communication facility” in Section 2.2 (Definitions) of the Lee Township Zoning Ordinance in its entirety, INSERT a new definition for “wireless communication facilities,” and INSERT new sub-definitions for “antenna,” “amateur radio antenna,” “backhaul network,” “collocation,” “ground equipment,” “satellite dish antenna,” and “tower” as follows:]

SECTION 2.2 DEFINITIONS.

~~WIRELESS COMMUNICATION FACILITY: Any device, including cellular towers, used for transmitting and receiving radio waves, microwaves, and other similar frequencies.~~

WIRELESS COMMUNICATION FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio, video and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio and telephone service facilities.

- a. **ANTENNA(E):** Equipment used for the transmission or reception of wireless communication signals.

- b. **AMATEUR RADIO ANTENNA:** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as “ham radio antenna.”
- c. **BACKHAUL NETWORK:** The lines, facilities, and equipment that connect a provider’s towers or antennae to switching offices, long-distance providers or public-switched telephone networks.
- d. **CELLULAR TOWER.** A wireless communication facility designed to support one or more antennae for cellular telephone and data communication purposes.
- e. **COLLOCATION:** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- f. **GROUND EQUIPMENT:** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
- g. **RADIO OR TELEVISION TRANSMISSION TOWER.** A wireless communication facility designed to support one or more antennae for broadcasting of digital or analog television or radio signals as a mass medium for advertising, entertainment or news.
- h. **SATELLITE DISH ANTENNA:** An antenna structure designed to receive from or transmit to orbiting satellites.
- i. **TOWER:** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar communication antennae support structures.
- j. **WIRELESS COMMUNICATION SERVICES PROVIDER.** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

SECTION 3.

[The “Wireless Communication Facilities” land use and all associated zoning district notations in the same row are hereby DELETED in their entirety from Table 2 (Uses by District) in Section 3.6 (District Regulation Tables) of the Lee Township Zoning Ordinance.]

SECTION 3.6 DISTRICT REGULATION TABLES

TABLE 2 USES BY DISTRICT

Use	Districts					
	AG	R-A	R-B	R-C	C	I
Wireless communication facilities	√	S	S		√	√

SECTION 4.

[The “Wireless Communication Facilities” land use is hereby DELETED in its entirety from Table 3 (Uses/Dimensions: Residential Farming/Agricultural District) in Section 3.6 (District Regulation Tables) of the Lee Township Zoning Ordinance.]

SECTION 3.6 DISTRICT REGULATION TABLES

TABLE 3 USES/DIMENSIONS: RESIDENTIAL FARMING/AGRICULTURAL DISTRICT

Residential Farming District, AG	
Permitted by Use	Special Land Uses
Wireless communication facilities	Temporary indoor and outdoor uses

SECTION 5.

[The “Wireless Communication Facilities” land use is hereby DELETED in its entirety from Table 4 (Uses/Dimensions: Single-Family Residential District) in Section 3.6 (District Regulation Tables) of the Lee Township Zoning Ordinance.]

SECTION 3.6 DISTRICT REGULATION TABLES

TABLE 4 USES/DIMENSIONS: SINGLE-FAMILY RESIDENTIAL DISTRICT

Single Family Residential District, R-A	
Permitted by Use	Special Land Uses
	Wireless communication facilities

SECTION 6.

[The “Wireless Communication Facilities” land use is hereby DELETED in its entirety from Table 5 (Uses/Dimensions: Multiple-Family Residential District) in Section 3.6 (District Regulation Tables) of the Lee Township Zoning Ordinance.]

SECTION 3.6 DISTRICT REGULATION TABLES

TABLE 5 USES/DIMENSIONS: MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Multiple-Family Residential District, R-B	
Permitted by Use	Special Land Uses
Two-family dwellings	Wireless communication facilities

SECTION 7.

[The “Wireless Communication Facilities” land use is hereby DELETED in its entirety from Table 7 (Uses/Dimensions: Commercial District) in Section 3.6 (District Regulation Tables) of the Lee Township Zoning Ordinance.]

SECTION 3.6 DISTRICT REGULATION TABLES
TABLE 7 USES/DIMENSIONS: COMMERCIAL DISTRICT

Commercial District, C	
Permitted by Use	
Lumberyards	Wireless communication facilities

SECTION 8.

[The “Wireless Communication Facilities” land use is hereby DELETED in its entirety from Table 8 (Uses/Dimensions: Industrial District) in Section 3.6 (District Regulation Tables) of the Lee Township Zoning Ordinance.]

SECTION 3.6 DISTRICT REGULATION TABLES
TABLE 8 USES/DIMENSIONS: INDUSTRIAL DISTRICT

Industrial District, I	
Permitted by Use	
Institutions: cultural, educational human care, incarceration, rehabilitation, religious, social, substance abuse	Wireless communication facilities

SECTION 9.

[DELETE subsection “b.” of Section 4.4 (Structure Regulations) of the Lee Township Zoning Ordinance in its entirety, and INSERT a new subsection “b.” (Permitted Height Exceptions) as follows:]

SECTION 4.4 STRUCTURE REGULATIONS

- b. PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
- 1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in the Commercial Zoning District and sixty (60') feet in the Industrial Zoning District.
 - 2) Special structures, such as chimneys or smoke stacks, ~~radio or television transmitting towers or antennas, or microwave relay towers~~ shall be permitted to a maximum height of one hundred seventy five (175') feet in the ~~Commercial Zoning District or in any~~ Industrial Zoning District.
 - 3) Structures for purely ornamental purposes such as religious spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments shall not exceed seventy-five (75') feet in height.

4) Residential ~~television antennas~~, wind turbines or flagpoles shall be permitted to a maximum height of sixty-five (65') feet in any Residential Zoning District.

5) Height exceptions for wireless communication facilities shall be subject to the requirements of Chapter 11 (Wireless Communication Facilities) of this Ordinance.

SECTION 10.

[Section 7.18 of the Lee Township Zoning Ordinance, which is entitled “Wireless Communication Facilities,” is hereby deleted in its entirety.]

~~**SECTION 7.18 — WIRELESS COMMUNICATION FACILITIES**~~

~~See Wireless Communication Facility Ordinance.~~

SECTION 11.

Lee Township Ordinance Number 56, which is entitled “Wireless Communication Facilities,” is hereby repealed in its entirety as of the effective date of this Ordinance.

SECTION 12.

Adopted by the Township Board of Trustees for Lee Township, Midland County, Michigan, at a meeting of the Township Board held on the _____ day of _____, 20____. This ordinance shall become effective on the eighth (8th) day following publication thereof.

Dated: _____, 20____ _____
George Whittington, Supervisor

Laura Dawson, Clerk

CERTIFICATION

The above Ordinance No. _____ was adopted at a meeting of the Lee Township Board of Trustees on the _____ day of _____, 20____; and published in the _____, a newspaper of general circulation in Lee Township, Midland County, Michigan on the _____ day of _____, 20____.

Laura Dawson, Clerk